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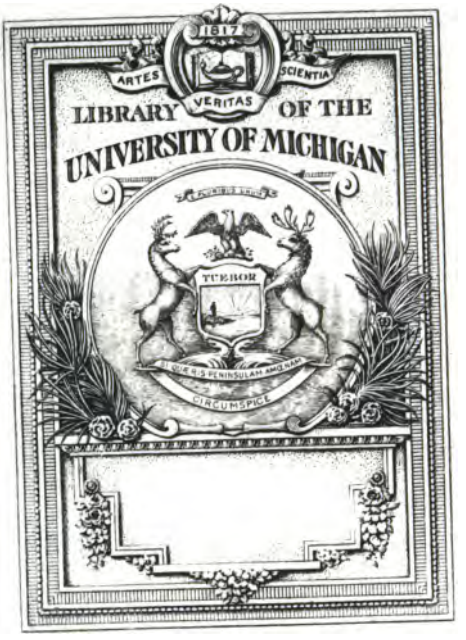
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CHARTER

OF THE

City and County of San Francisco

PREPARED AND PROPOSED
BY THE

BOARD OF FREEHOLDERS.

Elected December 27, 1897, in pursuance of the provisions of Section 8, Article XI, of the Constitution of the State of California.

Ratified by Vote of the People, May 26, 1898.
Approved by the Legislature of the State, January 26, 1899.
In full Force and Effect, January 8, 1900.

Compiled at the Request of the Board of Supervisors
BY
J. RICHARD FREUD.

THE STAR PRESS JAMES H. BARRY
SAN FRANCISCO, CALIFORNIA
1900

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Board of Freeholders.

PRESIDENT:
JOSEPH BRITTON.

JEROME A. ANDERSON,
JAMES BUTLER
H. N. CLEMENT,
A. COMTE, JR.,
ALFRED CRIDGE,
L. R. ELLERT,
ISIDOR GUTTE,
P. H. MCCARTHY,
JOHN NIGHTINGALE, JR.,
JOHN C. NOBMANN,
JOSEPH O'CONNOR,
LIPPMANN SACHS,
EDWARD R. TAYLOR,
A. W. THOMPSON.

Secretary,
J. RICH'D FREUD.

Assistant Secretary.
MISS CLARA STOCKTON.

134715

COMMITTEES.

1. **BOUNDARY, RIGHTS AND LIABILITIES**
   Nobmann, Thompson and McCarthy.

2. **THE LEGISLATIVE DEPARTMENT**
   Ellert, Anderson, Taylor and Cridge.

3. **FINANCE, REVENUE AND TAXATION**
   Sachs, Ellert and Comte.

4. **THE EXECUTIVE DEPARTMENT**
   Comte, Ellert and Nightingale.

5. **THE JUDICIAL DEPARTMENT**
   Clement, Comte and Taylor.

6. **DEPARTMENT OF PUBLIC WORKS**
   Taylor, Ellert and Gutte.

7. **PUBLIC SCHOOLS AND LIBRARIES**
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10. **THE HEALTH DEPARTMENT**
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11. **DEPARTMENT OF ELECTIONS**
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12. **PUBLIC UTILITIES**
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    Nightingale, Taylor and Comte.

15. **REVISION**
    Thompson, Taylor, O'Connor, Cridge and Anderson.

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CHARTER

Prepared and Proposed for the City and County of

SAN FRANCISCO

BY THE

BOARD OF FREEHOLDERS

Elected December 27, 1897, in pursuance of the provisions of Section 8, Article XI, of the Constitution of the State of California.

ARTICLE I.

BOUNDARIES, RIGHTS AND LIABILITIES.

Name and powers of City and County.

SECTION 1. The municipal corporation known as the City and County of San Francisco shall remain and continue a body politic and corporate, in name and in fact, by the name of the City and County of San Francisco, and by that name shall have perpetual succession; may sue and defend in all courts and places and in all matters and proceedings; may have and use a common seal and alter the same at pleasure; may purchase, receive, hold and enjoy real and personal property; receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for charitable and other purposes, and do all acts necessary to carry out the purposes of such gifts, bequests and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust.

Boundaries

SEC. 2. The boundaries of the City and County of San Francisco are hereby declared to be those set forth in Section Thirty-Nine Hundred and Fifty of the Political Code of California.

Rights.

SEC. 3. The City and County of San Francisco shall continue, under this Charter, to have, hold and enjoy all property, rights of property, rights of action of every nature and description of the existing municipality and is hereby declared to be the successor of the same.

Actions by or against the City and County

SEC. 4. Suits, actions and proceedings may be brought in the name of the City and County for the recovery of any property, money or thing belonging thereto, in law or equity, or dedicated to public use therein, or for the enforcement of any rights of, or contracts with, the City and County, whether made or arising or accruing before or after the adoption of this Charter. All existing suits, actions and proceedings in the courts or elsewhere, to which the City and County is a party, shall continue to be carried on by or against the City and County.

Liabilities for defects in sidewalks, streets or sewers.

SEC. 5. No recourse shall be had against the City and County for damage or loss to person or property suffered or sustained by reason of the defective condition of any sidewalk, street, avenue, lane, alley, court or place, or by reason of the defective condition of any sewer, or by reason of any defective drainage, whether any of said defects originally existed, or whether they were occasioned by construction, excavation or embankment; nor shall there be any recourse against the City and County for want of repair of any sidewalk, street, avenue, lane, alley, court or place, or by want of repair of any sewer; nor shall there be any recourse against the City and County for damage to person or property suffered or sustained by reason of accident on any sidewalk, street, avenue, lane, alley, court or place, or by falling from any embankment thereon or into any excavation therein; but in any such case the person or persons on whom the law may have imposed the obligation to repair such defect in the sidewalk, street or public highway, or in the sewer, and also the officer or officers through whose official negligence such defect remains unrepaired shall be jointly and severally liable to the party injured for the damage sustained.

ARTICLE II.

LEGISLATIVE DEPT.

LEGISLATIVE DEPARTMENT.

CHAPTER I.

THE BOARD OF SUPERVISORS.

Legislative power.

SECTION 1. The legislative power of the City and County of San Francisco shall be vested in a legislative body, which shall be designated the Board of Supervisors. Such body is also designated in this Charter, the Supervisors.

Eighteen Supervisors: Term. Qualifications.

SEC. 2. The Board of Supervisors shall consist of eighteen members, all of whom shall hold office for two years and be elected from the City and County at large. Each one must be at the time of his election an elector of the City and County, and must have been such for at least five years next preceding his election. Each Supervisor shall receive an annual salary of twelve hundred dollars.

Ex-mayors

Every person who has served as Mayor of the City and County, so long as he remains a resident thereof, shall be entitled to a seat in the Board of Supervisors and to participate in its debates, but shall not be entitled to a vote nor to any compensation.

Quorum.

SEC. 3. A majority of all the members of the Board shall constitute a quorum, but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as the Board may prescribe.

Appointments by the Board.

SEC. 4. The Board shall:

1. Appoint a clerk, sergeant-at-arms and, when authorized to do so by ordinance, such additional clerks and other assistants as may be deemed necessary.

Rules.

2. Establish rules for its proceedings.

Journal.

3. Keep a journal of its proceedings, and allow the same to be published. The ayes and noes shall on demand of any member be taken and entered therein.

Decorum.

4. Have authority to punish its members for disorderly or contemptuous behavior in its presence.

Presiding officer.

SEC. 5. The Mayor shall be the presiding officer of the Board of Supervisors. In the absence of the Mayor the Board shall appoint a presiding officer pro tempore from its own members, who shall have the same right to vote as other members.

Meetings: Time and place.

SEC. 6. The Board shall meet on Monday of each week, or if that day be a legal holiday, then on the next day. The Board shall not adjourn to any other place than to its regular place of meeting, except in case of great necessity or emergency. The meetings of the Board shall be public.

Clerk of the Board: Duties and powers.

SEC. 7. The clerk of the Board, when requested to do so, shall administer oaths and affirmations, without charge, in all matters pertaining to the affairs of his office, and shall perform such services as may be prescribed by the Board. He shall have the custody of the seal, and of all leases, grants and other documents, records and papers of the City and County. His signature shall be necessary to all leases, grants and conveyances of the City and County.

Ordinances: Enactment and passage.

SEC. 8. Every legislative act of the City and County shall be by ordinance. The enacting clause of every ordinance shall be in these words: "Be it ordained by the People of the City and County of San Francisco as follows." No ordinance shall be passed except by bill, and no bill shall be so amended as to change its original purpose.

Bills and resolutions: Final adoption.

SEC. 9. No bill shall become an ordinance, nor resolution be adopted, unless finally passed by a majority of all the members of the Board and the vote be taken by ayes and noes and the names of the members voting for and against the same be entered in the Journal.

Revision and amendment.

SEC. 10. No ordinance shall be revised, re-enacted or amended by reference to its title; but the ordinance to be revised or re-enacted, or the section thereof amended, shall be re-enacted at length as revised and amended.

Subject and Title.

SEC. 11. An ordinance shall embrace but one subject, which subject shall be expressed in its title. If any subject be embraced in an ordinance and not expressed in its title, such ordinance shall be void only as to so much thereof as is not expressed in its title.

Reconsideration.

SEC. 12. When a bill is put upon its final passage in the

Franchises: Passage and renewal.

Board and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be acted upon before the expiration of twenty-four hours after adjournment. No bill for the grant of any franchise shall be put upon its final passage within ninety days after its introduction, and no franchise shall be renewed before one year prior to its expiration. Every ordinance shall, after amendment, be laid over for one week before its final passage.

Advertisement of bills and resolutions.

SEC. 13. Every bill or resolution providing for any specific improvement, or the granting of any franchise or privilege, or involving the lease, appropriation or disposition of public property, or the expenditure of public money, except sums less than two hundred dollars, or levying any tax or assessment, and every ordinance providing for the imposition of a new duty or penalty, shall, after its introduction, be published in the official newspaper, with the ayes and noes, for at least five successive days (Sundays and legal holidays excepted) before final action upon the same. If such bill be amended, the bill as amended shall be advertised for a like period before final action thereon. But in cases of great necessity the officers and heads of departments may, with the consent of the Mayor, expend such sums of money, not to exceed two hundred dollars, as shall be necessary to meet the requirements of such necessity.

Exception.

Veto of separate items by the Mayor.

SEC. 14. If any bill be presented to the Mayor containing several items appropriating money or fixing a tax levy, he may object to one or more items separately, while approving other portions of the bill. In such case he shall append to the bill at the time of signing it a statement of the item or items to which he objects and the reasons therefor, and the item or items so objected to shall not take effect unless passed notwithstanding the Mayor's objection. Each item so objected to shall be separately reconsidered by the Board in the same manner as bills which have been disapproved by the Mayor.

When ordinances take effect.

SEC. 15. No ordinance shall take effect until ten days after its passage unless otherwise provided in such ordinance.

Submission of bills to the Mayor.

SEC. 16. Every bill and every resolution as hereinbefore provided, which shall have passed the Board and shall have been duly authenticated, shall be presented to the Mayor for his approval. The Mayor shall return such bill or resolution to the Board within ten days after receiving it. If he approve it he shall sign it and it shall then become an ordinance. If he disapprove it he shall specify his objections thereto in writing. If he does not return it with such disapproval within the time above specified, it shall take effect as if he had approved it. The objections of the Mayor shall be entered at large in the Journal of the

Passage of bills over Mayor's veto.

Board, and the Board shall, after five and within thirty days after such bill or resolution shall have been so returned, reconsider and vote upon the same. If the same shall, upon reconsideration, be again passed by the affirmative vote of not less than fourteen members of the Board, the presiding officer shall certify that fact on the bill or resolution, and when so certified, the bill shall become an ordinance with like effect as if it had been approved by the Mayor. If the bill or resolution shall fail to receive the vote of fourteen members of the Board it shall be deemed finally lost. The vote on such reconsideration shall be taken by ayes and noes and the names of the members voting for and against the same shall be entered in the Journal.

Deposit of all ordinances.

SEC. 17. All ordinances and resolutions shall be deposited with the Clerk of the Board who shall record the same at length in a suitable book.

Repeal of ordinances.

SEC. 18. No ordinance shall be repealed except by ordinance adopted in the manner hereinbefore set out, and such ordinance shall be presented to the Mayor for his approval as hereinbefore provided.

Demands for payment of money.

SEC. 19. Except as provided in Chapter III of Article III of this Charter, all demands payable out of the treasury must, before they can be approved by the Auditor or paid by the Treasurer, be first approved by the Board of Supervisors. All demands for more than two hundred dollars shall be presented to the Mayor for his approval, in the manner hereinbefore provided for the passage of bills or resolutions. All resolutions directing the payment of money other than salaries or wages, when the amount exceeds five hundred dollars, shall be published for five successive days (Sundays and legal holidays excepted) in the official newspaper.

Petition to submit ordinance to vote.

SEC. 20. Whenever there shall be presented to the Board of Election Commissioners a petition signed by a number of voters equal to fifteen per centum of the votes cast at the last preceding State or City and County election, asking that an ordinance to be set forth in such petition, be submitted to a vote of the electors of the City and County, the Board of Election Commissioners must submit such proposed ordinance to the vote of the electors at the next election.

Signatures to petition.

The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereto subscribed.

Tickets in election.

The tickets used in such election shall contain the words "FOR THE ORDINANCE" (stating the nature of the proposed ordinance) and "AGAINST THE ORDINANCE" (stating the nature of the proposed ordinance).

Adoption by vote of people makes ordinance valid.

If a majority of the votes cast upon such ordinance shall be in favor of the adoption thereof, the Board of Election Commissioners shall, within thirty days from the time of such election, proclaim such fact; and upon such proclamation such ordinance shall have the same force and effect as an ordinance passed by the Supervisors and approved by the Mayor, and the same shall not be repealed by the Supervisors. But the Supervisors may submit a proposition for the repeal of such ordinance, or for amendments thereto, for vote at any succeeding election; and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly.

Repeal or amendment of same.

What ordinances must be voted upon

SEC. 21. Except as otherwise provided in the Constitution of the State, or as otherwise provided in this Charter, every ordinance involving the granting by the City and County of any franchise for the supply of light or water, or for the lease or sale of any public utility, or for the purchase of land of more than fifty thousand dollars in value, must be submitted to the vote of the electors of the City and County at the election next ensuing after the adoption of such ordinance.

Tickets in election.

The tickets used at such election shall contain the words "FOR THE ORDINANCE" (stating the nature of the proposed ordinance) and "AGAINST THE ORDINANCE" (stating the nature of the proposed ordinance).

Validity of ordinance so adopted.

If a majority of the votes cast upon such ordinance shall be in favor of the adoption thereof, the Board of Election Commissioners shall, within thirty days from the time of such election, proclaim such fact; and upon such proclamation such ordinance shall have the same force and effect as an ordinance passed by the Supervisors and approved by the Mayor.

When void.

No such franchise, or lease or sale of any public utility, or purchase of land, shall be of any force or effect except it be made by ordinance, and such ordinance be adopted by the people as in this section provided.

Amendments to charter by petition.

SEC. 22. Whenever there shall be presented to the Supervisors a petition signed by a number of voters equal to fifteen per centum of the votes cast at the last preceding State or municipal election, asking that an amendment or amendments to this Charter, to be set out in such petition, be submitted to the people, the Board must submit to the vote of the electors of the City and County the proposed amendment or amendments.

Signatures to petition.

The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements made therein are true and that each signature to such paper appended is the genuine signature of the person whose name purports to be thereto subscribed.

Special election.

The Board of Election Commissioners must make all necessary provision for submitting the proposed amendment or amendments to the electors at a special election to be called by it, and shall canvass the vote in the same manner as in other cases of election.

Whenever the State Constitution is changed.

All the provisions of the Constitution of the State embracing the subject in this section provided for are hereby expressly made applicable to such proposed amendment or amendments. But if at any time there shall be no constitutional provision or provisions under which this Charter may be amended, then the aforesaid amendment or amendments must be submitted by the Board of Election Commissioners to the vote of the electors of the City and County at the election which next ensues after such petition is filed with the Supervisors, if any such election is not to be held within sixty days after the filing of such petition.

The tickets used at such election shall contain the words "FOR THE AMENDMENT" (stating the nature of the proposed amendment) and "AGAINST THE AMENDMENT" (stating the nature of the proposed amendment).

Majority shall then decide.

If a majority of the votes cast upon such amendment or amendments shall be in favor of the adoption thereof, the Board of Election Commissioners shall, within thirty days from the time of such election, proclaim such fact, and thereupon this Charter shall be amended accordingly.

CHAPTER II.

POWERS OF THE SUPERVISORS.

Supervisors: Powers:

SECTION 1. Subject to the provisions, limitations and restrictions in this Charter contained, the Board of Supervisors shall have power:

Local laws.

1. To ordain, make and enforce within the limits of the City and County all necessary local, police, sanitary and other laws and regulations.

Use of streets.

2. Except as otherwise provided in this Charter, or in the Constitution of the State of California, to regulate and control for any and every purpose, the use of the streets, highways, public thoroughfares, public places, alleys, and sidewalks of the City and County.

Supervisors: Powers: Railways on streets.

3. To permit the laying down of railroad tracks and running cars thereon, along any street or portion of a street, for the sole purpose of excavating and filling in a street or portion of a street or the adjoining land, for such limited time as may be necessary for such purpose and no longer. Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of such streets by the public.

Street sweepings.

4. To empower street railway companies, under such conditions as the Board may see fit to impose, to convey street sweepings and offal to the public parks.

Fire limits.

5. To fix the limits within which wooden buildings or structures shall not be erected, placed or maintained, and to prohibit the same within such limits. Such limits when once established shall not be changed except by extension.

Nuisances.

6. To provide for the abatement or summary removal of any nuisance and to condemn and to prevent the occupancy of unsafe structures.

Passenger vehicles.

7. To regulate the use of hackney carriages and public passenger vehicles, and to fix the rates to be charged for the transportation of persons or personal baggage.

Public pound.

8. To provide a public pound and to make all necessary rules and regulations in the matter of animals running at large, and for the custody and destruction of the same.

Morgue.

9. To provide and maintain a morgue.

Places for detention.

10. To provide for places for the detention of witnesses and persons charged with insanity, separate and apart from places where criminals or persons accused of public offenses are imprisoned.

Prisons, hospitals and almshouses.

11. To establish, maintain and regulate, and change, discontinue and re-establish City and County jails, prisons and houses of detention, punishment, confinement and reformation, hospitals and almshouses.

Acquire property.

12. To purchase or acquire by condemnation such property as may be needed for public use.

Water, heat, light, power, etc.

13. Except as otherwise provided in this Charter, to regulate and control the location and quality of all appliances necessary to the furnishing of water, heat, light, power, telephonic and telegraphic service to the City and County, and to acquire, regulate and control any and all appliances for the sprinkling and cleaning of the streets of the City and County, and for flushing the sewers therein.

Rates for water, heat, light and power.

14. To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, company or corporation in the City and County, for the use of water, heat, light or power, supplied to the City and County, or to the inhabitants thereof, and to prescribe the quality of the service.

15. To impose license taxes and to provide for the collection thereof; but no license taxes shall be imposed upon any person who, at any fixed place of business in the City and County, sells or manufactures goods, wares or merchandise, except such as require permits from the Board of Police Commissioners as provided in this Charter. Supervisors: Powers: License taxes, exemption.

16. To prescribe fines, forfeitures and penalties for the breach of any ordinance; but no penalty shall exceed the amount of five hundred dollars or six months' imprisonment, or both. Fines and penalties.

17. To fix the fees and charges for all official services not otherwise provided for in this Charter. Fees.

18. To allow not to exceed two thousand five hundred dollars in any year for the celebration of the anniversary of our National Independence, and not to exceed five hundred dollars in any year for the observance of Memorial Day. 4th of July. Memorial Day.

19. To appropriate such sums as may be paid into the treasury from fines collected on conviction of persons charged with cruelty to animals, and to authorize the payment of the same or some part thereof to any society that shall efficiently aid in such convictions. Cruelty to animals.

20. To provide for the payment of compensation to the interpreters appointed by the Judges of the Superior Court to interpret testimony in criminal cases in said Court or the Police Court, or upon inquests and examinations. Such compensation shall not exceed one hundred dollars a month for each interpreter. Interpreters' compensation.

21. To offer rewards not exceeding one thousand dollars in any one instance for the apprehension and conviction of any person who may have committed a felony in the City and County, and to authorize the payment thereof. Rewards to catch criminals.

22. To provide in the annual tax levy for a special fund to be used in the construction of a general system of drainage and sewerage. Sewer system fund.

23. To provide a Seal for the City and County, and Seals for the several departments, boards and officers thereof, and a Seal for the Police Court. Official seals.

24. To fix the hours of labor or service required of all laborers in the service of the City and County, and to fix their compensation; provided that eight hours shall be the maximum hours of labor in any calendar day, and that the minimum wages of laborers shall be two dollars a day. Hours and wages of laborers.

25. To set apart as a boulevard or boulevards any street or streets, or portions of a street or streets, over which there is no existing franchise for any street railroad. Boulevards

26. To construct or permit the construction of tunnels, under such rules and regulations as the Board may prescribe. Tunnels.

27. To regulate street railroads, tracks and cars; to compel the owners of two or more of such roads using the same Regulation of street railways.

Supervisors: Powers:

street for any distance not exceeding ten blocks to use the same tracks and to equitably divide the cost of construction and expense of maintenance thereof between the owners; to

Fix fares and freights.

fix, establish and reduce the fares and charges for transporting passengers and goods thereon; to regulate rates of speed, and to pass ordinances to protect the public from danger or inconvenience in the operation of such roads.

Entry to the city of steam railroads.

28. To allow any transcontinental or other railroad company having not less than fifty miles of road actually constructed and in operation to enter the City and County with its road and run its cars to the water front at the most suitable point for public convenience. No exclusive right shall be granted to any railroad company; and the use of all such rights shall at all times be subject to regulation by the Supervisors.

Conditions of such privilege.

Every ordinance granting such right shall be upon the conditions that said company shall pave and keep in repair the street from curb to curb in such a manner and with such material as may from time to time be prescribed by the Supervisors, and that such company shall allow any other railroad company to use in common with it the same track or tracks, each paying an equal portion for the construction and repair of the tracks and appurtenances used by such railways jointly.

Conveyance of lands.

29. To convey lands in accordance with the provisions of the Act of the Legislature of the State of California, entitled "An Act to expedite the settlement of land titles in the City and County of San Francisco, and to ratify and confirm the acts and proceedings of certain of the authorities thereof," approved March 14, 1870.

Trusts.

30. To provide for the execution of all trusts confided to the City and County.

Vacant lots.

31. To transfer from one department of the City Government vacant and unused lots of land to another department.

Lease of lands of the city.

32. To provide for the lease of any lands now or hereafter owned by the City and County; but all leases shall be made at public auction to the highest responsible bidder at the highest monthly rent, after publication of notice thereof for at least three weeks. No lease shall be authorized except by ordinance passed by the affirmative vote of two-thirds of the members of the Board, and approved by the Mayor, and no lease shall be made for a longer period than twenty years.

Sale of useless property.

33. To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the City and County.

Purchase of property.

34. To provide for the purchase of property levied upon or under execution in favor of the City and County; but the amount bid on such purchase shall not exceed the amount of judgment and costs.

Supervisors: Powers: Mayor's contingent fund.

35. The Supervisors must appropriate annually to the Mayor thirty-six hundred dollars as and for a contingent fund, for which he need furnish no vouchers.

Equalization Board.

SEC. 2. The Supervisors shall constitute the Board of Equalization of the City and County. The Clerk of the Supervisors shall be Clerk of the Board of Equalization by virtue of his office.

Finance Committee.

SEC. 3. The Board of Supervisors shall appoint from its members a committee consisting of three to be denominated Finance Committee, and shall fill all vacancies in the Committee. The Committee shall investigate the transactions and accounts of all officers having the collection, custody or disbursement of public money, or having the power to approve, allow, or audit demands on the treasury; shall have free access to any records, books and papers in all public offices; shall have power to administer oaths and affirmations, and to examine witnesses, and compel their attendance before them by subpoena. The Committee may at any time visit any of the public offices and make its examinations and investigations therein without hindrance.

Duties and Powers.

Examine official bonds.

The Committee must, at least once in every six months, examine the official bonds of all City and County officers, and investigate the sufficiency and solvency of the sureties thereon, and report in writing the facts to the Mayor. Such report shall specify each bond with the sureties, and the amounts for which each surety is bound, and state whether or not they are sufficient and solvent. Upon such report the Mayor shall take such action as shall be necessary to protect the City and County, and may require new bonds when necessary, and he may suspend any officer till a sufficient bond is filed and approved.

Expert books of quasi-public corporations.

SEC. 4. The Finance Committee shall have power, and it shall be its duty, to examine the records and examine and expert the books of account of all persons, companies or corporations that are required to pay a portion of their gross receipts into the treasury; and shall likewise, as an aid to the fixing of rates for furnishing water and light to the City and County and to the inhabitants thereof, have like power, and it shall be its duty, to examine the records and examine and expert the books of account of any and all persons, companies or corporations so furnishing water or light.

Majority. Records.

In the exercise of its functions, the concurrence of two members of the Committee shall be deemed sufficient. The Committee shall keep a record of its proceedings with the names of the witnesses examined and a substantial statement of the evidence taken. If, from the examination made by the Committee, it shall appear that a misdemeanor in office, or a defalcation, has been committed by an officer, the Committee shall immediately report to the Mayor, who

Misdemeanors in office.

if he approve the report, shall take such proceedings against such officer as are authorized by law, and may suspend him pending such proceedings. Any police officer shall execute the process and orders of the Committee.

No exclusive franchise.

SEC. 5. No exclusive franchise or privilege shall be granted for laying pipes, wires or conduits.

Street railway franchises:

Sec. 6. The Board of Supervisors shall have power to grant authority for a term not exceeding twenty-five years to construct and operate street railways upon, or over, or under, the streets or parts of streets of the City and County not reserved for boulevards or carriage driveways, upon the following conditions and in the following manner and none other:

Conditions and manner of granting same.

Upon application being made to the Board for any such franchise, it shall by resolution determine whether such franchise or any part thereof shall be granted, and at said time shall determine on what conditions the same shall be granted additional to those conditions provided in this Chapter. After such determination, it shall cause notice of such application and resolution to be advertised in the official newspaper of the City and County for ten consecutive days. Such advertisement must be completed not less than twenty nor more than thirty days before any further action is taken by the Board on such application. The advertisement must state the character of the franchise sought, the term of its proposed continuance, and the route to be traversed; that sealed bids will be received up to a certain hour on a day to be named in the advertisement; and a further statement that no bids will be received of a stated amount, but that all bids must be for the payment to the City and County in lawful money of the United States of a stated percentage of the gross annual receipts of the person, company or corporation to whom the franchise may be awarded, arising from its use, operation, enjoyment or possession.

Advertisement.

Percentage returns.

Bond with bid.

Every bidder shall file with his bid a bond executed to the City and County, with at least two good and sufficient sureties to be approved by the Mayor in a penal sum prescribed by the Supervisors, and set forth in such advertisement, conditioned that such bidder will well and truly observe, fulfill and perform each and all of the conditions, terms and obligations of the franchise for which said application was made in case the same shall be awarded to him, and that in case of the breach of any of the conditions of such bond, the whole amount of the penal sum therein named shall be taken to be liquidated damages, and that as such shall be recoverable from the principal and sureties on such bond.

Penalty for breach.

Award of franchise.

At the next regular session after the expiration of the time stated in such advertisement up to which such bids will be received, the Board must open such bids and award the

franchise to the person, company or corporation offering to pay the highest stated percentage of the gross receipts arising from the use, operation, possession or enjoyment of the franchise for which such application was made. But no award shall be made, nor any such application granted, unless the stated percentage offered to be paid for the franchise shall be at least three per centum of such gross receipts during the first five years of the period for which the franchise is to be granted, four per centum of the gross receipts during the next succeeding ten years, and five per centum of the gross receipts during the next succeeding ten years.

Street railway franchises:

Minimum Percentage returns.

Except as in this section otherwise provided, bidding for such franchises must be in accordance with the provisions of this Charter in relation to bids made to the Board of Public Works, so far as such provisions may be applicable. The Supervisors may reject any and all bids, and may refuse to grant a franchise for any part of the route for which application was made. Every ordinance making such grant shall require the concurrence of three-fourths of all the members of the Board of Supervisors, as shown by the ayes and noes, and the approval of the Mayor, and at least ninety days shall intervene between the introduction and final passage of any such ordinance. It shall require a vote of five-sixths of all the Supervisors to pass the ordinance notwithstanding the objections of the Mayor.

Rules for bidding.

Vote required to pass the ordinance.

If any bid be accepted, the franchise must be granted upon the express condition, in addition to the conditions required by this Charter, and such other conditions as may be prescribed by the Supervisors, that the per centum of the gross receipts of the railway shall be paid into the treasury on or before the tenth day of the next ensuing month after such gross receipts shall have been earned; and upon the further condition that the whole of the railway shall be continuously operated, and that at the end of the term the road-track and bed of such railway and all its stationary fixtures upon the public streets, shall become the property of the City and County; and that the grantees will, within one hundred days after the date of such grant, commence the construction of such railway, and continuously thereafter, in each and every month until the completion thereof, expend in such construction at least the sum of three thousand dollars.

Further conditions.

Reversion to the city.

Construction of the railway.

The failure to comply with any of said conditions shall work an immediate forfeiture of such franchise and the road or track constructed thereunder. There shall be no power in the Supervisors to relieve from such forfeiture or from any of said conditions. On or before the tenth day of each month after said receipts shall have been

Forfeiture of franchise.

Statement of gross receipts.

earned, the President and Secretary of said railway company shall make and file with the Clerk of the Board of Supervisors a sworn statement of the gross receipts of such railway for the preceding month.

No renewal of street railway franchises.

In granting any such franchise the Board of Supervisors shall impose such other lawful conditions as it may deem advisable, and must expressly provide that the franchise shall not be renewed or regranted, and that the Board shall at all times have the power to regulate the rates of

Regulation of fares.

fare to be charged by those using, operating, possessing or enjoying the franchise, and that the Finance Committee of the Board shall at all times be permitted to examine and expert their books as to such gross receipts. All moneys received for such franchises and in payment of the said per centum shall be credited to the General Fund.

Electric power and lighting franchises.

SEC. 7. The Supervisors shall have no power to grant franchises or privileges to erect poles or wires for transmitting electric power or for lighting purposes along or upon any public street or highway of the City and County except

Conditions and manner of granting same.

upon all the conditions and in the manner, including competitive bidding and payment of a percentage of gross receipts, hereinbefore set out, and upon the further condition that the Board shall at all times have the right to regulate the charges of any person, company or corporation using, enjoying or possessing such franchise or privilege.

Expiration of street railway franchises.

When, on the expiration of any street railroad franchise, it shall be deemed inexpedient by the Board to use any of the property reverting to it by reason of such expiration in the operation of a street railroad, then the Board shall have power to lease such property to any person, company or corporation after the notice, on the terms, and in the manner

Lease of such property.

above provided as to the granting of street railroad franchises, as far as the same may be applicable. But no ordinance authorizing such lease shall be passed prior to ninety days next preceding the expiration of such franchise.

Franchises and leases, when in force.

Any ordinance granting a franchise or authorizing a lease under the provisions of this section shall be in force from and after the expiration of thirty days from the date of its signature by the Mayor, or from and after the expiration of thirty days from the date of its passage by the Supervisors over his objections, unless within said thirty days a petition signed by a number of the electors of the City and County

May be submitted to vote of people.

equal to fifteen per centum of the votes cast at the last preceding election shall have been filed with the Supervisors, asking that said ordinance be submitted to the vote of the people. In such case said ordinance shall be submitted at the next election to the vote of the electors of the City and County, and unless said ordinance shall at said election receive in its favor a majority of the votes cast thereon it shall have no force or effect for any purpose. If a majority

of the votes be in favor of such ordinance, the Board of Election Commissioners shall, on the conclusion of the canvass of the vote thereon, proclaim such fact, and upon such proclamation said ordinance shall have full force and effect as of the date aforesaid. Said petition and submission shall be made in accordance with the provisions of section twenty of Chapter I of this Article. Result of popular vote.

SEC. 8. All claims for damages against the City and County must be presented to the Board of Supervisors and filed with the Clerk within six months after the occurrence from which the damages are claimed to have arisen; otherwise there shall be no recovery on any such claim. Claims for damages against the city.

CHAPTER III.

CONTRACTS.

SECTION 1. All contracts for goods, merchandise, stores, supplies, subsistence or printing for the City and County, as well as for all subsistence, supplies, drugs, and other necessary articles for hospitals, prisons, public institutions and other departments not otherwise specifically provided for in this Charter, must be made by the Supervisors with the lowest bidder offering adequate security, after publication for not less than ten days in the official newspaper; and no purchase thereof or liability therefor shall be made or created except by contract. Contracts to the lowest bidder. Publication.

Except as otherwise provided in this Charter, the Board must determine annually what goods, merchandise, stores, supplies, drugs, subsistence and other necessary articles will be needed by the City and County for the ensuing year, and it shall have no power to purchase or to pay for the same unless the provisions in this Charter provided as to competitive bidding for supplies are strictly followed, and no contract shall be made for any of the same unless upon such competitive bidding. Annual requisitions. Competitive bidding.

All proposals shall be accompanied with a certificate of deposit or certified check on a solvent bank in the City and County of ten per centum on the amount of the bid, payable at sight to the order of the Clerk of the Supervisors. If the bidder to whom the contract is awarded shall for five days after such award fail or neglect to enter into the contract and file the required bond, the Clerk shall draw the money due on such certificate of deposit or check and pay the same into the treasury; and under no circumstances shall the certificate of deposit or check or the proceeds thereof be returned to such defaulting bidder. Proposals. Penalty for failure.

Notices for proposals for furnishing the aforesaid articles shall mention said articles in general and shall state that Notices for proposals.

Statements therein.

the conditions and schedule may be found in the office of the Clerk of the Board of Supervisors; and shall also state that such articles are to be delivered at such times, in such quantities, and in such manner, as the Supervisors may designate. Any bidder may bid separately for any article named. The award as to each article shall in all cases be made to the lowest bidder for such article, and where a bid embraces more than one article, the Supervisors shall have the right to accept or reject such bid or the bid for any one or more articles embraced therein. In the case of contracts for subsistence of prisoners the advertisement for proposals shall specify each article required, the quality thereof, the quantity for each person, and the existing and probable number of persons to be supplied. No article or articles provided for in this section shall have been made in any prison. The Supervisors shall require bonds with sufficient sureties for the faithful performance of every contract. The Clerk of the Supervisors shall furnish printed blanks for all such proposals, contracts and bonds.

Award to the lowest bidder.

Surety bonds.

Sealed bids.

All bids shall be sealed and delivered by the bidder to the Clerk of the Supervisors, and opened by the Board at an hour and place to be stated in the advertisement for proposals, in the presence of all bidders who attend, and the bidders may inspect the bids. All bids with alterations or erasures therein shall be rejected. All articles so supplied shall be subject to inspection and rejection by the Supervisors and by the person in charge of the office, institution or department for which the same are supplied. Every contract for work to be performed for the City and County must provide that in the performance of the contract eight hours shall be the maximum hours of labor on any calendar day, and that the minimum wages of laborers employed by the contractor in the execution of his contract shall be two dollars a day. Any contract for work to be performed for the City and County which does not comply with the provisions of this section shall be null and void, and any officer who shall sign the same shall be deemed guilty of misfeasance and upon proof of such misfeasance shall be removed from office.

Conditions reserved.

Penalty for non-compliance.

Official advertising.

SEC. 2. All contracts for official advertising shall be let annually in like manner by the Supervisors to the lowest responsible bidder publishing a daily newspaper in the City and County which has a bona fide daily circulation of at least eight thousand copies, and has been in existence at the time of letting such contract for at least two years. In inviting proposals therefor, such advertising shall not be classified and no proposal shall be acted upon which offers

to do such advertising at different rates for different portions thereof.

What official advertising includes.

Such advertising shall be construed to mean the advertising and publication of all official reports, orders, ordinances, messages, resolutions, notices inviting proposals and all notices of every nature relating to city work. No part or kind of such advertising shall be charged or contracted for at a higher rate than any other part or kind of the same is charged or contracted for, except in the case of the delinquent tax list.

Official newspaper.

The newspaper to which the award of such advertising is made shall be known and designated as the "official newspaper."

Delinquent tax list.

The advertising of the delinquent tax list shall be let to the lowest responsible bidder on a separate bidding from all other official advertising.

Unauthorized publications.

No board, department or officer shall make any publication which is not expressly authorized by this Charter or by the Supervisors.

Stationery supplies.

SEC. 3. The Clerk of the Supervisors shall annually, under the direction of the Supervisors, advertise for proposals for supplying the various departments, officers and offices of the City and County with all stationery and supplies in the nature of stationery, assessment books, minute books, blank books and the printing of blanks. The contracts for stationery shall be separate from those for printing.

Proposals for same.

Notice for proposals for supplies shall require a greater or less quantity to be delivered at such times and in such manner as the Supervisors may designate. The advertisement for bids for paper shall state the weight, quality and size of the various kinds required, and that for printing shall enumerate the various letter heads, tax bills, tax receipts, court notices, and all blanks, papers and documents now used or hereafter required in any and all departments of the City and County, including the forms, papers and blanks now used or hereafter required by the courts of the City and County.

Forms for printing.

The forms for all printing shall be consecutively numbered, and each form and blank shall be known as No.—— (specifying the number). Such advertisement shall be published for at least ten days, and shall require the bidders to state the price at which each article will be furnished, printed or manufactured, as the same may be required from time to time during such period, and the amount of the bond that will be required as security for the performance of the contract.

No names permitted.

No stationery furnished to any officer or department

shall contain the name or names of the officer or officers constituting the head of the department or board. The contract or contracts must be made with the lowest bidder offering adequate security, quantity and quality being considered.

Stationery In charge of Clerk of Supervisors.

The Clerk of the Supervisors shall have rooms in the City Hall for the custody of such stationery, and when purchased the same shall be delivered to him, and he shall issue and distribute the same to the various departments as required.

Must account for same.

He shall keep accounts in detail, charging himself with all goods received, and crediting himself with the goods delivered upon order or requisition as hereinafter provided. When any of such supplies are required for any department, the Clerk of the Supervisors shall issue the same after the requisition for such articles has been made by the head of such department and approved by the Mayor.

Requisitions for printing.

All requisitions for printing shall be made in a similar manner. The Clerk shall report monthly in writing to the Supervisors in detail, the amount of all paper, blanks, books, stationery and printing ordered by and delivered to any department or officer.

Collusion with bidder constitutes misfeasance.

SEC. 4. Any officer of the City and County, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies, at a higher price or rate than that proposed by any other bidder, or who shall favor one bidder over another, by giving or withholding information, or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to that called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kinds of material or supplies than has been actually received, shall be deemed guilty of misfeasance and shall be removed from office.

Execution, signing and registration of contracts.

SEC. 5. All contracts provided for in this Chapter must be in writing and executed in the name of the City and County by the Mayor. All such contracts must be countersigned by the Clerk of the Supervisors, and registered by number and date in a book kept by him for that purpose. When a contractor fails to enter into the contract awarded to him or to perform the same, new bids must be invited, and a contract awarded as provided herein in the first instance. When the Supervisors believe that the prices

New bids may be invited.

bid are too high, or that bidders have combined to prevent competition, or that the public interest will be subserved

thereby, they may reject any and all bids and cause the notice for proposals to be re-advertised.

Lighting contracts.

SEC. 6. No contract for lighting streets, public buildings, places or offices, shall be made for a longer period than one year, nor shall any contract to pay for gas, electric light or any illuminating material at a higher rate than the minimum price charged to any other consumer, be valid. Demands for lighting public buildings shall be presented monthly to the board or department using or having charge thereof, and shall specify the amount of gas, electric light or illuminating material consumed in such building during the month.

Term.

Rate.

Demands

ARTICLE III.

FINANCE AND TAXATION.

FINANCE AND TAXATION

CHAPTER I.

LEVYING OF TAXES.

Estimates of annual requirements in each department.

SECTION 1. On or before the first Monday of April in each year the heads of departments, offices, boards and commissions of the City and County shall send to the Supervisors an estimate in writing of the amount of expenditure, specifying in detail the objects thereof, required in their respective departments, offices, boards and commissions, including a statement of the salaries of their subordinates. Duplicates of these estimates shall be sent at the same time to the Auditor.

Auditor's annual estimate of the city's requirements and revenue.

SEC. 2. On or before the first Monday of May in each year the Auditor shall transmit to the Supervisors an estimate of the probable expenditures of the City and County government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for all outstanding funded debts, and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be apportioned to each fund in the treasury; also an estimate of the amount of income from fines, licenses and other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

Supervisors to make annual budget.

SEC. 3. The Supervisors shall meet annually between the first Monday of May and the first Monday of June, and by vote of a majority of all the members thereof make a budget of the amounts estimated to be required to pay the expenses of conducting the public business of the City and County for the next ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the

items thereof allowed to each department, office, board or commission, as the Supervisors shall deem advisable.

Public Hearing. Before finally determining upon the budget, the Supervisors shall fix such sufficient time or times as may be necessary to allow the taxpayers to be heard in regard thereto, and the Supervisors shall attend at the time or times so appointed for such hearing.

Mayor may veto items. SEC. 4. Any item in said budget may, within ten days, be vetoed in whole or in part by the Mayor, and it shall require fifteen votes of the Supervisors to overcome such veto. Action thereon must be taken before the last Monday of June.

Apportionment of funds. After the final estimate is made in accordance herewith, it shall be signed by the Mayor and the Clerk of the Supervisors, and the several sums shall then be appropriated for the ensuing fiscal year to the several purposes and departments therein named. The estimate shall be filed in the office of the Auditor.

Annual tax levy. SEC. 5. The Supervisors must cause to be raised annually according to law, and collected by tax, the amounts so appropriated, less the amounts received from fines, licenses and other sources of revenue.

Demands upon the treasury. SEC. 6. Except as otherwise provided in this Charter, no money shall be drawn from the treasury unless in consequence of appropriations made by the Supervisors and upon warrants duly drawn thereon by the Auditor.

Warrants. SEC. 7. No warrant shall be drawn except upon an unexhausted specific appropriation.

Urgent necessity fund. SEC. 8. The Supervisors may appropriate thirty-six thousand dollars a year for urgent necessities not otherwise provided for by law. No money shall be paid out of this appropriation unless authorized by a five-sixths vote of all the members of the Board of Supervisors and approved by the Mayor.

One twelfth limit on monthly expenditures. SEC. 9. It shall not be lawful for the Supervisors, or for any board, department, officer or authority having power to incur, authorize or contract liabilities against the treasury, to incur, authorize, allow, contract for, pay or render payable in the present or future, in any one month, any expenditure, demand or demands, against any appropriation, which, taken with all other expenditures, indebtedness or liability made or incurred up to the time in such month of making or incurring the same, shall exceed one-twelfth part of the amount of the appropriation for the fiscal year.

Registration of demands and agreements. When any board, department or officer having power to incur liabilities against the treasury shall make any agreement for obtaining supplies or having labor performed, such department, officer or board shall register such agreement

by number and date, and all demands arising under such agreement shall be payable in the order of such registration. Such department, board or officer must inform the person with whom it is proposed to make such agreement of the amount of money available or likely to be available in the fund from which such demands are payable.

Unexpended balances may be carried forward.

If, at the beginning of any month, any money remains unexpended in any appropriation which might lawfully have been expended during the preceding month, such unexpended sum or sums, except so much thereof as may be required to pay all unpaid claims upon such appropriation, may be carried forward and expended in any succeeding month of such fiscal year; but not afterwards, except in payment of claims lawfully incurred during such fiscal year. Appropriations provided to meet the expense of elections; for the support and maintenance of the Assessor's and Tax Collector's departments; and for urgent necessities, shall be exempt from the provisions of this section.

Indorsement of Auditor upon contracts.

SEC. 10. No contracts made, the expense of whose execution is not provided by law or ordinance to be paid by assessments upon the property benefited, shall be binding or of any force, unless the Auditor shall indorse thereon his certificate that there remains unexpended and unapplied as herein provided, a balance of the appropriation or fund applicable thereto, sufficient to pay the estimated expense of executing such contract, as certified by the board or officer making the same. This provision shall not apply to work done, or supplies furnished, involving the expenditure of less than two hundred and fifty dollars, unless the same is required by law to be done by contract at public letting. The Auditor shall make such indorsement upon every such contract so presented to him, if there remains unapplied and unexpended such amount so specified by the officer making the contract, and thereafter shall hold and retain such sum to pay the expense incurred until the contract shall be fully performed. The Auditor shall furnish weekly to the head of each department a statement of the unexpended balances of the appropriation for his department.

Exception.

Auditor's weekly statements.

Tax levy: When made. Amount.

SEC. 11. On or before the last Monday of June in each year the Supervisors shall levy the amount of taxes for City and County purposes required to be levied upon all property not exempt from taxation. The amount shall be sufficient to provide for the payment during the fiscal year of all demands upon the treasury authorized to be paid out of the same; but such levy, exclusive of the State tax and the tax to pay the interest and maintain the sinking funds of the bonded indebtedness of the City and County, and exclusive of the tax to pay for the maintenance and

Dollar limit.

improvement of the parks, squares and public grounds of the City and County, shall not exceed the rate of one dollar on each one hundred dollars valuation of the property assessed. The Supervisors in making the levy shall apportion the taxes to the several funds.

Apportionment of revenue and income.

SEC. 12. In making the apportionment, the Supervisors shall take into account and apportion to the several funds the income and revenue estimated to arise during the fiscal year from licenses, fees and other sources; but the income to pay the interest on the bonded indebtedness and provide for the sinking funds shall always be provided for out of the tax on property.

Temporary suspension of dollar limit.

SEC. 13. The limitation in section eleven of this Chapter upon the rate of taxation shall not apply in case of any great necessity or emergency. In such case the limitation may be temporarily suspended so as to enable the Supervisors to provide for such necessity or emergency. No increase shall be made in the rate of taxation authorized to be levied in any fiscal year, unless such increase be authorized by ordinance passed by the unanimous vote of the Supervisors and approved by the Mayor. The character of such necessity or emergency shall be recited in the ordinance authorizing such action, and be entered in the Journal of the Board.

Unanimous vote necessary.

Liabilities that are prohibited.

Nothing in this section shall authorize the incurring of liabilities against the treasury not allowed by law, or which cannot be paid out of the income and revenue provided, collected and paid into the proper fund as its proportion of the same for such fiscal year, or permit liabilities or indebtedness incurred in any one fiscal year to be a charge upon or paid out of the income or revenue of any other fiscal year.

Municipal revenues and bonds.

SEC. 14. The Supervisors shall fix the amount of municipal revenues and provide for the collection thereof. They shall from time to time provide for the payment of the interest and principal of the bonds for which the City and County is liable.

Disbursements.

SEC. 15. The Supervisors shall authorize the disbursement of all public moneys, except as otherwise specifically provided in this Charter.

Surplus moneys to surplus fund.

SEC. 16. At the close of each fiscal year, if all demands against each fund have been paid or satisfied, and all disputed or contested demands finally adjudicated, the Supervisors shall direct the Treasurer to transfer all surplus moneys to a fund to be called the Surplus Fund, except such surplus moneys as are in the several interest and sinking funds, in the Common School Fund, in the Park Fund, the Library Fund, the Police Relief and Pen-

Exceptions.

sion Fund, in the Firemen's Relief and Pension Fund, and in such other funds the disposition of whose surplus moneys is in this Charter otherwise provided for.

CHAPTER II.

THE SEVERAL FUNDS.

Separate funds.

SECTION 1. The income and revenue paid into the treasury shall be at once apportioned to and kept in separate funds. It shall not be lawful to transfer money from one fund to another or to use the same in payment of demands upon another fund. The provisions of this section shall not apply to fees paid into the treasury and placed temporarily to the credit of the Unapportioned Fee Fund under the provisions of Chapter III of this Article.

No division.

Continuance of funds.

SEC. 2. The several funds in the treasury authorized by law at the time this Charter takes effect, or provided for by this Charter, shall continue therein so long as there shall be occasion therefor; and the moneys therein, or which may belong thereto, shall not be used for any purpose other than that for which the same were raised except as otherwise provided in this Charter.

General fund.

The General Fund shall consist of moneys received into the treasury and not specially appropriated to any other fund.

Park fund.

Sources.

The Park Fund shall consist of the moneys annually apportioned to said Fund by virtue of the tax provided for in this Charter for the maintenance, preservation and improvement of the parks, squares, avenues and public grounds of the City and County; of all moneys accruing from rents of buildings under the jurisdiction of the Park Commissioners; and of all moneys coming into the hands of said Commissioners whether from donations or otherwise.

Purpose.

Out of said Fund shall be paid all the expenses of every kind for the preservation, maintenance and improvement of the parks, squares, avenues and public grounds of the City and County.

Library fund.

The Library Fund shall consist of the moneys annually apportioned to said Fund by virtue of the tax provided for in this Charter for the maintenance of Library and Reading Rooms, and the purchase of books therefor. Out of said Fund shall be paid all the expenses necessary to the maintenance of such Library and Reading Rooms and the purchase of books therefor.

Surplus fund.

SEC. 3. The Surplus Fund shall consist of the moneys remaining at the end of any fiscal year in any other funds (except the Common School Fund and the other funds by this Charter otherwise expressly provided for) after all valid demands, indebtedness and liabilities against said

funds incurred within such fiscal year have been paid and discharged; provided, that all disputed or contested claims payable out of such funds have been finally adjudicated.

Purposes of the surplus fund.

The Surplus Fund shall be used for the purposes and in the order following:

1. In payment of any final judgment against the City and County.

2. In liquidation and extinguishment, under such regulations as the Supervisors may adopt, of any outstanding funded debt of the City and County.

3. To be carried over and apportioned among the funds and used in the ensuing fiscal year as part of the income and revenue thereof.

Special deposit fund.

SEC. 4. The Special Deposit Fund shall consist of:

1. All moneys paid into court and deposited with the Treasurer by the County Clerk.

2. All moneys received by the Public Administrator and deposited by him with the Treasurer.

3. All moneys deposited with the Treasurer on special deposit.

The moneys in the Special Deposit Fund shall be paid out in the manner prescribed by law.

Funds to be carried forward.

SEC. 5. Except as otherwise provided in this Charter any moneys remaining at the end of any fiscal year in any interest and sinking fund or a fund provided by a special bond issue for a specific purpose, the Common School Fund, the Park Fund, the Library Fund, the Firemen's Relief and Pension Fund, Police Relief and Pension Fund, and the Public Building Fund shall be carried forward and apportioned to said respective funds for the ensuing fiscal year.

Payment of unpaid demands.

SEC. 6. Any demand against the treasury or against any fund thereof remaining unpaid at the end of the fiscal year for lack of money applicable to its payment, may be paid out of any money which may subsequently come into the proper fund from delinquent taxes or other uncollected income or revenue for such year. Such demands shall be paid out of such delinquent revenue, when collected, in the order of their registration.

Redemption of outstanding bonds.

SEC. 7. When there shall be to the credit of any sinking fund in the treasury a sum not less than twenty thousand dollars which may be applied to the redemption of any outstanding bonds to which such fund is applicable, which are not redeemable before their maturity, it shall be the duty of the Mayor, Auditor and Treasurer to advertise for thirty days, inviting proposals for the surrender and redemption of the bonds.

Sinking fund to liquidate surrendered bonds.

After such advertisement the money in such Sinking Fund, or such portion thereof as may be required therefor, shall be awarded to the person or persons offering to surrender said bonds for the lowest price. Upon such award, when duly audited, the Treasurer shall, upon the surrender of the bonds, pay the amount to the person or persons to whom the same was awarded. No bid for the surrender of any of the bonds shall be accepted, which shall require a greater sum of money for their redemption than the then worth of the principal and interest of the bonds, calculated with interest, not exceeding four per centum per annum.

CHAPTER III.

THE CUSTODY OF PUBLIC MONEYS.

All moneys to be paid into the treasury.

SECTION 1. All moneys arising from taxes, licenses, fees, fines, penalties and forfeitures, and all moneys which may be collected or received by any officer of the City and County or any department thereof, in his official capacity, for the performance of any official duty, and all moneys accruing to the City and County from any source, and all moneys directed by law or this Charter to be paid or deposited in the treasury, shall be paid into the treasury. All officers or persons collecting or receiving such moneys must pay the same into the treasury. No officer or person other than the Treasurer shall pay out or disburse such moneys, or any part thereof, upon any allowance, claim or demand.

Disbursement.

No fees allowed to salaried officers or employees.

SEC. 2. Salaried officers shall not receive nor accept any fee, payment, or compensation directly or indirectly, for any services performed by them in their official capacity, nor any fee, payment, or compensation, for any official service performed by any of their deputies, clerks, or employees, whether performed during or after official business hours. No deputy, clerk, or employee of such officers shall receive or accept any fee, compensation or payment, other than his salary as now or hereafter fixed by law, for any work or service performed by him of any official nature, or under color of office, whether performed during or after official business hours.

All fees to be paid to Treasurer.

SEC. 3. Every fee, commission, percentage, allowance, or other compensation authorized by law to be charged, received, or collected by any officer for any official service, must be paid by the officer receiving the same to the Treasurer in the manner herein provided.

Daily delivery of fees to Treasurer.

SEC. 4. It shall be the duty of every officer authorized by law to charge, receive or collect any fee, commission, percentage, allowance, or compensation for the performance of any official service or duty of any kind or nature, or rendered

in any official capacity, or by reason of any official duty or employment, to deliver the same to the Treasurer at the expiration of each business day. The Treasurer shall thereupon deliver to such officer a receipt for the money so paid, which shall show the amount of money received, the day and hour when paid, the name of the officer paying the same, the nature of the service performed, and the name and official designation of the person by whom the service was performed; and like entries shall be made upon the stub of such receipt, which shall be kept by the Treasurer. The Treasurer shall place all such moneys in a fund to be designated the "Unapportioned Fee Fund," which is hereby created, and shall keep such fund as other funds in the treasury are kept, and shall be liable on his official bond for all money so received.

Receipt of Treasurer.

Unapportioned fee fund.

Official receipts.

SEC. 5. The Auditor or other proper officer must prepare and deliver from time to time to the Treasurer, and to every officer authorized by law to charge any fee, commission, percentage, allowance, or compensation, for the performance of any official service or duty, as many official receipts as may be required, charging therewith the Treasurer or other officer receiving them. Such official receipts must be bound into books containing not less than one hundred such receipts, and numbered consecutively, beginning with number one in each class required for each officer for each fiscal year, and provided with a stub corresponding in number with receipt. When the books containing receipts are exhausted by the officer receiving them, he shall return the stubs thereof to the Auditor or other proper officer, in whose custody they shall remain thereafter.

Bound into books.

Treasurer's receipts.

SEC. 6. When a receipt as herein provided is issued by the Treasurer he must state therein the date of payment, the name of the person making the payment, the amount of such payment, the nature of the service for which the charge is made, and the name and official designation of the officer performing the service, and shall make corresponding entries on the stub of each receipt.

Receipts of other officers.

SEC. 7. When any receipt is issued by any officer other than the Treasurer as herein provided, he shall state therein the day and hour of the delivery to him of the Treasurer's receipt, the nature of the service therein described, and the amount charged therefor, and the name of the person by whom such receipt is delivered to him, and shall make corresponding entries on the stub to which such receipt is attached.

Treasurer's monthly report.

SEC. 8. On the first day of each month the Treasurer must make to the Auditor a report under oath of all moneys received by him during the preceding month, showing the

date and number of the receipt on which the money was received, the amount of each payment, by whom paid, the nature of the service, and the name and official designation of the officer performing the service. At the same time, or oftener, if required by the Auditor, the Treasurer shall exhibit to the Auditor all official receipts received by him during the previous month, and all official receipts remaining in his hands, unused or not issued, at the close of business on the last day of the preceding month. Treasurer's monthly exhibit.

SEC. 9. On the first day of each month every officer authorized by law to charge any fee, commission, percentage, allowance or compensation, must make to the Auditor a report under oath of all official receipts issued by him during the preceding month, showing the date and number of each receipt, to whom issued, the nature of the service for which the charge was made, and the amount of such charge; and must at the same time, or oftener, if required, exhibit to the Auditor, or other proper officer, all the Treasurer's receipts deposited with him during the preceding month, and all receipts remaining in his hands, unused or not issued, at the close of business on the last day of each preceding month. Monthly reports and exhibits of officers.

SEC. 10. Upon receiving the reports prescribed by sections eight and nine of this Chapter, the Auditor shall examine and settle the accounts of each officer, and apportion such moneys to the fund or funds to which they are appropriated by law, and certify such apportionment to the Treasurer, who shall thereupon transfer from the "Unapportioned Fee Fund" the amounts so certified, and credit each fund entitled thereto with the proper amount so apportioned. Settlement of accounts.

SEC. 11. Every officer who is by law allowed to charge and collect mileage for the service of process, or other like service, shall at the end of each month, prepare and deliver to the Auditor a statement showing each process served, the title of the cause, the name of the deputy or other subordinate officer who made the service, the number of miles actually traveled in making such service, the exact day when such service was made, and between what hours of the day, and such statement shall be verified by the oath of such officer. The Auditor shall examine such statement, and issue his warrant upon the Treasurer for such amount of money as will reimburse such officer for his lawful expenses in making such service. Such warrant shall be paid by the Treasurer, without further approval, out of the "Unapportioned Fee Fund." No extra mileage shall be charged or allowed for service of two or more processes served on the same trip by the same deputy or deputies, except for extra Mileage. Monthly statements. Payment of same. No double allowance.

mileage actually traveled in serving additional process. All mileage charged in violation of this section shall be disallowed by the Auditor, and all amounts disallowed for any reason shall be apportioned as other moneys in the "Unapportioned Fee Fund."

Employment of extra assistants.

SEC. 12. When an officer, legally authorized to employ a person other than one of his deputies or assistants at a stated compensation fixed by law, has employed such person, and in pursuance of such employment such person has rendered the service for which he was employed, such officer shall, at the end of each month, prepare and deliver to the Auditor a statement verified by the oath of such officer, showing the case or instance in which such service was performed, for whom performed, the name of the person so employed, by whom the service was performed, the amount of the charge therefor, the time actually employed in performing such service, and the dates of the beginning and ending of the period during which such person was so employed. The Auditor shall thereupon examine such statement, and if he finds the same correct, he shall audit and allow the verified demand of such person so employed and performing the service for the sum or sums so earned by him for such service, and the Treasurer shall pay such demand so audited and allowed, without further approval, out of the "Unapportioned Fee Fund."

Monthly statement.

Payment of same.

Allowance of salaries fixed by law.

SEC. 13. The demand of the Auditor for his monthly salary shall be audited and allowed by the Mayor. All other demands on account of salaries fixed by law, ordinance, or this Charter, and made payable out of the treasury, may be allowed by the Auditor without any previous approval. All demands payable out of the Common School Fund must, before they can be allowed or paid, be previously approved by the Board of Education. Demands payable out of the treasury for salaries, wages, or compensation of deputies, clerks, assistants, or employees, in any office or department, must, before they can be audited or paid, be first approved in writing by the officer, board, department or authority under whom, or in which, such demand originated. All other demands payable out of any funds in the treasury, must, before they can be allowed by the Auditor, or recognized, or paid, be first approved by the department, board or officer, in which the same has originated, and in all such cases must be approved by the Supervisors.

Demands against common school fund.

Salaries of other employees.

All other demands.

Demands must show five facts.

Every demand against the City and County shall, in addition to the other entries and indorsements upon the same required by this Charter, show: 1. The ordinance or authorization under which the same was allowed. 2.

The name of the board, department or authority authorizing the same. 3. The fiscal year within which the indebtedness was incurred. 4. The appropriation provided to meet the demand. 5. The name of the specific fund out of which the demand is payable. Each demand shall have written or printed upon it a statement that the same can only be paid out of the income and revenue provided, collected and paid into the proper specific fund in the treasury for the fiscal year within which the indebtedness was incurred, and shall refer to Chapter II of this Article, and be numbered with reference to the fund out of which it is payable. Must contain statement and number.

SEC. 14. Whenever any person has, or has received, moneys or other personal property belonging to the City and County, or has been intrusted with the collection, management or disbursement of any moneys, bonds, or interest accruing therefrom, belonging to or held in trust by the City and County, and fails to render an account thereof to, and make settlement with, the Treasurer within the time prescribed by law; or, when no particular time is specified, fails to render such account and make such settlement, or who fails to pay into the treasury any moneys belonging to the City and County upon being required to do so by the Auditor, within twenty days after such requisition, the Auditor must state an account with such person, charging twenty-five per centum damages, and interest at the rate of ten per centum per annum from the time of such failure. Failure to render account and settlement. Penalty.

A copy of such account in any suit therein is prima facie evidence of the things therein stated. In case the Auditor cannot for want of information state an account, he may in any action brought by him aver that fact, and allege generally the amount of money or other property which is due to or which belongs to the City and County. The City Attorney must prosecute all actions that may be brought under this section within ten days after notification by the Auditor. Statement of such account. Prosecution.

CHAPTER IV.

PAYMENT OF CLAIMS.

SECTION 1. The salaries and compensation of all officers, including policemen and employees of all classes, and all teachers in the public schools, and others employed at fixed wages, shall be payable monthly. Any demand upon the treasury accruing under this Charter shall not be paid, but shall be forever barred by limitation of time, unless the same be presented for payment, properly audited, within one month after such demand became due and payable; or, if it be a demand which must be passed and approved by Monthly payment of salaries. Limitation upon demands.

the Supervisors or Board of Education, or by any other Board, then within one month after the first regular meeting of the proper Board held next after the demand accrued; or, unless the Supervisors shall, within six months after the demand accrued as aforesaid, on a careful examination of the facts, resolve that the same is in all respects just and legal, and the presentation of it, as above required, was not in the power either of the original party interested or his agent, or the present holder; in which case they may by ordinance revive such claim; but it shall be barred in the same manner unless presented for payment within twenty days thereafter. No valid demand arising subsequent to the claim which may be revived as aforesaid shall be rendered invalid by reason of such revival exhausting the fund out of which subsequent claims might otherwise be paid. Such revived claim shall take rank as of the day of its revival.

Certain claims may be revived.

Subsequent valid demands.

ARTICLE IV.

EXECUTIVE DEPT.

EXECUTIVE DEPARTMENT.

CHAPTER I.

THE MAYOR.

Mayor:

SECTION 1. The chief executive officer of the City and County shall be designated the Mayor. He shall be an elector of the City and County at the time of his election, and must have been such for at least five years next preceding such time. He shall be elected by the people and hold office for two years. He shall receive an annual salary of six thousand dollars. He may appoint a Secretary who shall receive an annual salary of twenty-four hundred dollars; an usher who shall receive an annual salary of nine hundred dollars; and a stenographer and type-writer who shall receive an annual salary of nine hundred dollars. All of said appointees shall hold their positions at the pleasure of the Mayor.

Qualifications.

Term.

Salary.

Appointees in his office.

Salaries.

Terms.

Mayor's duties.

SEC. 2. The Mayor shall vigilantly observe the official conduct of all public officers and the manner in which they execute their duties and fulfil their obligations. The books, records and official papers of all departments, officers and persons in the employ of the City and County shall at all times be open to his inspection and examination. He shall take special care that the books and records of all departments, boards, officers and persons are kept in legal

Records of departments.

and proper form. When any official defalcation or wilful neglect of duty or official misconduct shall come to his knowledge, he shall suspend the delinquent officer or person from office pending an official investigation. Defalcations in office.

The Mayor shall from time to time recommend to the proper officers of the different departments such measures as he may deem beneficial to public interest. He shall see that the laws of the State and ordinances of the City and County are observed and enforced. He shall have a general supervision over all the departments and public institutions of the City and County, and see that they are honestly, economically and lawfully conducted, and shall have the right to attend the meetings of any of the Boards provided for in this Charter, and offer suggestions at such meetings. He shall take all proper measures for the preservation of public order and the suppression of all riots and tumults, for which purpose he may use and command the police force. If such police force is insufficient, he shall call upon the Governor for military aid in the manner provided by law, so that such riots or tumults may be promptly and effectually suppressed. Mayor's powers and recommendations. Preservation of public order.

SEC. 3. The Mayor shall see that all contracts and agreements with the City and County are faithfully kept and fully performed. It shall be the duty of every officer and person in the employ or service of the City and County, when it shall come to his knowledge that any contract or agreement with the City and County, or with any officer or department thereof, or relating to the business of any office, has been or is about to be violated by the other contracting party, forthwith to report to the Mayor all facts and information within his possession concerning such matter. A wilful failure to do so shall be cause for the removal of such officer or employee. The Mayor shall give a certificate on demand to any person reporting such facts and information that he has done so, and such certificate shall be evidence in exoneration from a charge of neglect of duty. Execution of public contracts and agreements. Failure to report any violation of contracts.

The Mayor must institute such actions or proceedings as may be necessary to revoke, cancel or annul all franchises that may have been granted by the City and County to any person, company or corporation which have been forfeited in whole or in part or which for any reason are illegal and void and not binding upon the city. The City Attorney on demand of the Mayor must institute and prosecute the necessary actions to enforce the provisions of this section. Actions to annul forfeited franchises.

The Mayor shall have power to postpone final action on any franchise that may be passed by the Supervisors until such proposed franchise shall be ratified or rejected by a Postpone franchises.

majority of the votes cast on the question at the next election.

Officers and vacancies not provided in charter.

SEC. 4. The Mayor shall appoint all officers of the City and County whose election or appointment is not otherwise specially provided for in this Charter or by law. When a vacancy occurs in any office, and provision is not otherwise made in this Charter or by law for filling the same, the Mayor shall appoint a suitable person to fill such vacancy, who shall hold office for the remainder of the unexpired term.

Ex-officio President of Supervisors.

SEC. 5. The Mayor shall be President of the Board of Supervisors by virtue of his office. He may call extra sessions of the Board, and shall communicate to them in writing the objects for which they have been convened; and their acts at such sessions shall be confined to such objects.

President pro tem.

SEC. 6. When and so long as the Mayor is temporarily unable to perform his duties, a member of the Board shall be chosen President pro tempore, who shall act as such Mayor. When a vacancy occurs in the office of Mayor, it shall be filled for the unexpired term by the Supervisors.

Vacancy in Mayoralty.

CHAPTER II.

THE AUDITOR.

Auditor: Qualifications.

SECTION 1. The head of the Finance Department of the City and County shall be designated the Auditor. He shall be an elector of the City and County at the time of his election and must have been such for at least five years next preceding such time. He shall be elected by the people and hold office for two years. He shall receive an annual salary of four thousand dollars. The Auditor must always know the exact condition of the treasury and every demand upon it. He shall be in personal attendance at his office daily during office hours. He shall be the general accountant of the City and County, and shall receive and preserve in his office all accounts, books, vouchers, documents and papers relating to the accounts and contracts of the City and County, its debts, revenues and other financial affairs. He shall give information as to the exact condition of the treasury and of every appropriation and fund thereof, upon demand of the Mayor, the Supervisors, or any committee or members thereof.

Term. Salary. Duties.

Powers.

Appointees: Qualifications. Salaries.

SEC. 2. The Auditor shall appoint a Deputy Auditor, who shall possess the qualifications required of the Auditor, and who shall receive an annual salary of twenty-four hundred dollars. The Auditor may also appoint two assistant deputies who shall each receive an annual salary of fifteen hundred dollars, and two clerks who shall each receive an annual salary of twelve hundred dollars. He

may employ such number of extra clerks during the time their services may be necessary for the lawful discharge of his official duties, as the Board of Supervisors may designate. Such extra clerks shall each receive a salary not to exceed one hundred dollars a month for the time they shall be actually employed. The Auditor shall be allowed to expend not exceeding eighteen hundred dollars a year for counsel and attorney's fees. Auditor's extra clerks. Attorney.

SEC. 3. The Auditor shall keep an account of all moneys paid into and out of the treasury, and the Treasurer shall pay no money out of the treasury except upon demands approved by the Auditor. Any ordinance or law providing for the payment of any demand out of the treasury or any fund thereof (whether from public funds or from private funds deposited therein) shall always be construed as requiring the auditing of such demand by the Auditor before the same be paid. Demands must be audited.

SEC. 4. He shall number and keep an official record of all demands audited by him, showing the number, date, amount, name of the original holder, on what account allowed, against what appropriation drawn, out of what fund payable, and, if previously approved or allowed, by what officer, department or board it has been so approved or allowed. It shall be misconduct in office for the Auditor to deliver a demand with his official approval until this requirement shall have been complied with. Demands to be numbered and recorded. Penalty.

SEC. 5. The Auditor shall approve no demand unless the same has been allowed by every officer, board, department and committee required to act thereon. Approval of demands.

SEC. 6. No demand shall be allowed by the Auditor in favor of any corporation or person in any manner indebted to the City and County, except for taxes not delinquent, without first deducting the amount of any indebtedness of which he has notice; nor in favor of any person having the collection, custody or disbursement of public funds, unless his account has been presented, passed, approved and allowed as herein required; nor in favor of any officer who has neglected to make his official returns or reports in the manner and at the time required by law, ordinance, or the regulations of the Supervisors; nor in favor of any officer who has neglected or refused to comply with any of the provisions of law regulating his duties, nor in favor of any officer or employee for the time he shall have absented himself without legal cause from the duties of his office during office hours. The Auditor must always examine on oath any person receiving a salary from the City and County touching such absence. Auditor must deduct debits from demands. Demands of negligent officers. Absentees.

The Auditor may require any person presenting for settle-

Auditor may require oaths.

ment an account or claim for any cause against the City and County to be sworn before him touching such account or claim, and when so sworn, to answer orally as to any facts relative to the justice of such account or claim. Moneys placed in the Special Deposit Fund shall not be subject to the provisions of this section.

Demands must be indorsed by Auditor.

SEC. 7. Every demand upon the Treasurer, except the salary of the Auditor, must, before it can be paid, be presented to the Auditor, who shall satisfy himself whether the money is legally due, and its payment authorized by law, and against what appropriation payable and out of what fund it is payable. If he allow it, he shall endorse upon it the word "Allowed," with the name of the fund out of which it is payable, and the date of such allowance, and sign his name thereto. No demand shall be approved, allowed, audited or paid unless it specify each special item, date and amount composing it, and refer by chapter and section to the provisions of this Charter authorizing the same.

Statements on demands.

Register of warrants.

SEC. 8. The Auditor shall keep a register of warrants, showing the funds upon which they are drawn, the number, in whose favor, for what service, the appropriation applicable to the payment thereof, when the liability accrued, and a receipt from the person to whom the warrant is delivered. He shall not allow any demand out of its order, nor give priority to one demand over another drawn upon the same specific fund, except for the purpose of determining its legality.

Order of demands.

CHAPTER III.

THE TREASURER.

Treasurer:

SECTION 1. There shall be a Treasurer of the City and County, who shall be an elector of the City and County at the time of his election and who must have been such for at least five years next preceding such time. He shall be elected by the people, and hold his office for two years. He shall receive an annual salary of four thousand dollars, which shall be in full compensation for all his services. He may appoint a chief deputy who shall receive an annual salary of twenty-four hundred dollars, two assistant deputies who shall each receive a annual salary of eighteen hundred dollars and one clerk who shall receive an annual salary of twelve hundred dollars.

Qualifications.

Term.

Salary.

Appointees.

Salaries.

Treasurer's powers and duties.

SEC. 2. The Treasurer shall receive and safely keep all moneys which shall be paid into the treasury. He shall not lend, exchange, use, nor deposit the same, or any part thereof, to or with any bank, banker or person; nor pay out any part of such moneys, nor allow the same to

pass out of his personal custody, except upon demands authorized by law or this Charter, and after they shall have been approved by the Auditor. At the close of business each day he shall take an account of and enter in the proper book the exact amount of money on hand. At the end of every month he shall make and file with the Mayor and publish quarterly in the official newspaper a statement of the condition of the treasury, showing the amounts of receipts into and payments from the treasury, and on what account, and out of what fund. If he violate any of the provisions of this section, he shall be guilty of misconduct in office, and be liable to removal therefrom, and be proceeded against accordingly.

Treasurer's powers and duties. Daily account. Monthly statement. Penalty for violation.

He shall keep the accounts belonging to each fund separate and distinct, and shall in no case pay demands chargeable against one fund out of moneys belonging to another. He shall be in personal attendance at his office each day during office hours. No fees of any kind shall be retained by him, but the same, from whatsoever source received or derived, shall be paid by him into the treasury.

Separate funds. Daily attendance. No fees allowed.

SEC. 3. For the better security of the moneys in the treasury, there shall be provided a joint custody safe in which shall be kept the moneys of the City and County. Said safe shall have two combination locks, neither one of which alone will open the safe. The Treasurer shall have the knowledge of one combination and the Auditor of the other. The Auditor shall be joint custodian with the Treasurer of all funds in the joint custody safe; but shall have no control over them except to open and close the safe in conjunction with the Treasurer, when requested to do so in his official capacity, and shall not be held responsible on his official bond for any shortage which may occur in the treasury.

Joint custody safe. Auditor and Treasurer joint custodians.

The gold shall be kept in bags containing twenty thousand dollars each, and the silver in bags containing one thousand dollars each. To each bag shall be attached a tag showing the nature and amount of coin contained therein. Each bag shall be sealed with the seal of each custodian.

Coin bags.

There shall be kept in the safe a joint custody book, showing the amount and description of all funds in the safe, and whenever any amounts are withdrawn, the Auditor and Treasurer shall make the proper entry in the joint custody book and initial the same. If on account of sickness or urgent necessity the Auditor is unavoidably absent the Deputy Auditor shall perform his duties. The estimated amount of money required daily for the payment of demands against the treasury shall be taken from the joint custody

Joint custody book. Daily balances.

safe and kept in another safe; and the money therein shall be balanced daily at the close of business hours.

Original and duplicate receipts.

SEC. 4. The treasurer, on receiving any money into the treasury, shall make out and sign two receipts for the money. Such receipts shall be alike, except upon the face of one of them shall appear the word "Original," and upon the face of the other shall appear the word "Duplicate." Such receipts shall be numbered and dated, and shall specify the amount, on what account and from what person or officer received, and into what fund or on what account paid. The Treasurer shall enter upon the stubs of such receipts a memorandum of the contents thereof, and deliver the receipt marked "Original" to the person or officer paying such money into the treasury, and forthwith deliver the receipt marked "Duplicate" to the Auditor, who shall write upon its face the date of its delivery to him, and charge the Treasurer with the amount specified therein, and file the receipt in his office.

Statements thereon.

Demands must specify items.

SEC. 5. No demand shall be paid by the Treasurer unless it specify each several item, date and amount composing it, and refer by title, date and section to the law, or ordinance or provision of this Charter authorizing the same; but the allowance or approval of the Auditor, or of the Supervisors, or of any department, board or officer, of any demand which is not authorized by law or this Charter, and which upon its face appears not to have been expressly made payable out of the funds to be charged therewith, shall afford no warrant to the Treasurer for paying the same.

Unauthorized demands.

Cancellation of paid demands.

SEC. 6. Every lawful demand upon the treasury, audited and allowed as in this Charter required, shall in all cases be paid upon presentation, if there be sufficient money in the treasury applicable to the payment of such demand, and on payment cancelled with a punch, cutting the word "Cancelled" therein, and the proper entry thereof made. If, however, there be not sufficient money so applicable, then it shall be registered in a book kept for that purpose by the Treasurer. Such register shall show the special number given by the Supervisors or other authority, and also by the Auditor to each demand presented, also when presented, the date, amount, name of original holder, and on what account allowed and against what appropriation drawn and out of what specific fund payable. All demands shall be paid in the order of their registration. Each demand upon being so registered shall be returned to the party presenting it, with the endorsement of the word "Registered," and dated and signed by the Treasurer; but the registration of any demand shall not operate to recognize or make valid

Register of unpaid demands.

Payable in order of registration.

such demand if incurred contrary to any of the provisions of this Charter.

CHAPTER IV.

THE ASSESSOR.

SECTION 1. There shall be an Assessor of the City and County, who shall be an elector of the City and County at the time of his election and who must have been such for at least five years next preceding such time. He shall be elected by the people and hold office for four years. He shall receive an annual salary of four thousand dollars which shall be in full compensation for all his services. He may appoint a chief deputy who shall receive an annual salary of twenty four hundred dollars; one cashier who shall receive an annual salary of eighteen hundred dollars; six assistant deputies who shall each receive an annual salary of eighteen hundred dollars; twenty-one clerks who shall each receive an annual salary of twelve hundred dollars; and during four months of the year not more than one hundred clerks who shall each be paid at the rate of not more than one hundred dollars a month during the time of their employment. Assessor: Qualifications. Term. Salary. Appointees. Salaries. Extra clerks.

SEC. 2. The Assessor shall assess all taxable property within the City and County at the time and in the manner prescribed by the general laws of the State. Duties.

CHAPTER V.

THE TAX COLLECTOR.

SECTION 1. There shall be a Tax Collector of the City and County, who shall be an elector of the City and County at the time of his election and who must have been such for at least five years next preceding such time. He shall be elected by the people and hold office for two years. He shall receive an annual salary of four thousand dollars, which shall be in full compensation for all his services. He may appoint one chief deputy, who shall receive an annual salary of twenty-four hundred dollars; one cashier who shall receive an annual salary of twenty-four hundred dollars; fifteen deputies who shall each receive an annual salary of fifteen hundred dollars, and extra clerks who shall each be paid at the rate of not more than one hundred dollars a month during the time of their employment, but the total amount of payment for such extra clerks shall not exceed thirty-six thousand dollars a year. Tax Collector: Qualifications. Term. Salary. Appointees. Salaries. Extra clerks. Compensation.

SEC. 2. The Tax Collector must collect all licenses which may at any time be required by law or ordinance to be Collect all licenses.

Tax Collector's powers and duties.

collected within the City and County. He shall be charged with all taxes levied upon real and personal property within the City and County, upon the final settlement to be made by him according to law, or this Charter. He shall pay into the treasury, without any deduction for commissions, fees or charges of any kind or on any account, the full amount of all taxes, assessments and moneys received by him, and not previously paid over, including all moneys paid under protest, and money received for taxes paid more than once, and for street assessments. He shall also be charged with, and be debtor to the City and County for, the full amount of all taxes due upon the delinquent tax list delivered to him for collection, unless it appear to the satisfaction of the Supervisors expressed by resolution, that it was out of his power to collect the same by levy and sale of property liable to be seized and sold therefor.

All taxes into the treasury.

Delinquent taxes.

Attorney to collect delinquent taxes.

Compensation.

SEC. 3. The Tax Collector may appoint an attorney to prosecute actions for the collection of delinquent taxes, and may agree on paying him as compensation therefor a stated percentage out of the amounts recovered; but such percentage shall in no case exceed fifteen per centum of the amounts recovered.

Licenses in charge of Tax Collector.

SEC. 4. He shall examine all persons liable to pay licenses, and see that licenses are taken out and paid for. In the performance of their official duties, he and his deputies shall have the same powers as police officers in serving process and in making arrests. He may demand the exhibition of any license for the current term from any person, firm or corporation engaged or employed in the transaction of any business for which a license is required; and if such person, firm or corporation shall refuse or neglect to exhibit such license, the same may be revoked forthwith by the Tax Collector.

Auditor to sign licenses.

SEC. 5. The Auditor shall from time to time deliver to the Tax Collector such City and County licenses as may be required, and sign the same and charge them to the Tax Collector, specifying in the charge the amounts thereof named in such licenses respectively and the class of licenses, and take receipts therefor, and the Tax Collector shall sign and collect the same. The Tax Collector shall once in every month, and oftener when required by the Auditor, make to the Auditor a report under oath of all licenses sold and on hand, and of all amounts paid to the Treasurer, and shall also in that regard comply with the regulations which may be prescribed by the Supervisors. At the time of making such report, the Tax Collector shall exhibit to the Auditor all licenses on hand and the Treasurer's receipts for all moneys paid into the treasury.

Monthly statement of licenses.

CHAPTER VI.

THE CORONER.

Coroner: Qualifications. Term. Salary. Duties. Morgue.

SECTION 1. There shall be a Coroner of the City and County, who shall be an elector of the City and County at the time of his election and who must have been such for at least five years next preceding such election. He shall be elected by the people and hold office for two years. He shall receive an annual salary of four thousand dollars. He shall perform such duties as may be prescribed by law or ordinance. He shall have the control and management of the Morgue of the City and County under such ordinances as the Supervisors may adopt.

Appointees. Salaries.

SEC. 2. He may appoint an autopsy physician who shall receive an annual salary of twenty-four hundred dollars; a chief deputy, who shall receive an annual salary of twenty-four hundred dollars; three assistant deputies who shall each receive an annual salary of fifteen hundred dollars; a stenographer and typewriter who shall receive an annual salary of eighteen hundred dollars; and a messenger who shall receive an annual salary of nine hundred dollars.

CHAPTER VII.

THE RECORDER.

Recorder: Qualifications. Term. Salary. Appointees. Copyists. Compensation.

SECTION 1. There shall be a Recorder of the City and County, who shall be an elector of the City and County at the time of his election and who must have been such for at least five years next preceding such election. He shall be elected by the people and hold office for two years. He shall receive an annual salary of thirty-six hundred dollars. He may appoint a chief deputy, who shall receive an annual salary of eighteen hundred dollars; two assistant deputies who shall each receive an annual salary of fifteen hundred dollars. He may also appoint as many copyists as he may deem necessary, who shall receive not more than eight cents for each one hundred words actually written; but no copyist shall be paid a greater compensation at this rate than amounts in the aggregate to one hundred dollars a month.

Custodian of public records. Duties.

SEC. 2. The Recorder shall take into his custody and safely keep all books, records, maps and papers deposited in his office. Upon demand and payment of the fees prescribed therefor by law or by ordinance, he must furnish to any one applying therefor a copy of any such book, record, map or paper, certified under the hand and seal of his office. When any papers are presented for filing or recording, he or his deputies shall write on the margin of each paper so presented the number of folios, the amount paid for recording

the same, and shall number consecutively all instruments and documents filed in his office. He shall also perform all other duties at the time and in the manner prescribed by the general laws of the State.

ARTICLE V.

LEGAL DEPARTMENT.

CHAPTER I.

THE SUPERIOR COURT JUDGES.

Court Interpreters.

SECTION 1. The Judges of the Superior Court of the City and County may appoint not to exceed five interpreters of foreign languages, who shall act as such interpreters in criminal actions and proceedings in all the courts in the City and County, and in examinations before Coroner's juries.

Court Stenographers.

SEC. 2. The stenographers in the Criminal Departments of the Superior Court shall each receive an annual salary not exceeding twenty-four hundred dollars which shall be in full compensation for all services including transcription and all stationery used by them.

Compensation.

CHAPTER II.

THE CITY ATTORNEY.

City Attorney:

SECTION 1. There shall be an Attorney and Counselor of the City and County, who shall be styled City Attorney, and

Salary.

who shall receive an annual salary of five thousand dollars. He shall be elected by the people and shall hold

Term.

office for the period of two years. He must be at the time

Qualifications.

of his election an elector of the City and County and qualified to practice in all the Courts of this State, and he must have been so qualified for at least ten years next preceding his election, during five years of which he must have been an actual resident of the City and County. He shall devote his entire time and attention to the duties of his office.

Duties.

SEC. 2. He must prosecute and defend for the City and County all actions at law or in equity, and all special proceedings for or against the City and County; and whenever any cause of action at law or in equity or by

Actions.

special proceedings exists in favor of the City and County, he shall commence the same when within his knowledge, and if not within his knowledge, when directed to do

Legal advice.

so by resolution of the Supervisors. He shall give legal advice, in writing, to all officers, boards and commissions named in this Charter, when requested so to do by them,

or either of them, in writing, upon questions arising in their separate departments involving the rights or liabilities of the City and County. He shall not settle or dismiss any litigation for or against the City and County under his control unless upon his written recommendation he is ordered to do so by the Mayor and Supervisors. City Attorney's duties. Litigation.

SEC. 3. He shall keep on file in his office all written communications and opinions given by him to any officer, board or department; the briefs and transcripts used in causes wherein he appears; and bound books of record and registry of all actions or proceedings in his charge in which the City and County is interested. Records of city's legal proceedings.

SEC. 4. He shall deliver all books and records, reports, documents, papers, statutes, law books and property of every description in his possession, belonging to his office, or to the City and County, to his successor in office, who shall give him duplicate receipts therefor, one of which he shall file with the Auditor. Delivery of records to successor.

SEC. 5. The City Attorney may appoint four assistants, the first of whom shall receive an annual salary of thirty-six hundred dollars; the second an annual salary of three thousand dollars; the third an annual salary of twenty-four hundred dollars, and the fourth an annual salary of eighteen hundred dollars. He may also appoint a chief clerk, who shall receive an annual salary of eighteen hundred dollars; an assistant clerk who shall receive an annual salary of nine hundred dollars; a stenographer and typewriter who shall receive an annual salary of nine hundred dollars; and a messenger who shall receive an annual salary of nine hundred dollars. An officer of the Police Department shall be permanently detailed by the Chief of Police for the purpose of doing the detective work necessary in preparing and prosecuting the litigation of the office, who shall continue to serve on such detail during the pleasure of the City Attorney. The assistants and the chief clerk must each, at the time of his appointment, be qualified to practice in all the courts of this State, and must have been so qualified at least two years next preceding his appointment. The assistants, clerks, typewriter and messenger shall be appointed by the City Attorney, and shall hold their offices at his pleasure, and the specific duties of each shall be prescribed by him. Appointees: Assistants. Salaries. Clerks. Salaries. Detective work. Police officer. Assistants' and Chief Clerk's qualifications.

CHAPTER III.

THE DISTRICT ATTORNEY.

SECTION 1. The District Attorney shall be elected by the people and shall hold office for two years. He shall be an elector of the City and County and must at the time of his District Attorney: Term.

District Attorney's qualifications. Salary.

election be qualified to practice in all the courts of this State, and must have been so qualified for at least five years next preceding his election. He shall receive an annual salary of five thousand dollars.

Powers and duties.

SEC. 2. The District Attorney shall have all the powers conferred, and shall discharge all the duties imposed upon, the District Attorneys of counties by the general laws of this State, and in addition thereto shall attend, institute and conduct on behalf of the people, all prosecutions cognizable in the Police Court of the City and County. He shall draw all complaints and warrants in said Police Court, prosecute all forfeited recognizances therein, and all actions for the recovery of fines, penalties, and forfeitures accruing to the City and County; deliver receipts for money or property received in his official capacity, and file duplicates therefor with the County Treasurer; file with the Auditor on the first Mondays of January, April, July and October in each year, an itemized statement under oath showing all moneys received by him in his official capacity during the preceding three months; keep a register of his official business in which must be entered a note of every action, whether criminal or civil, prosecuted officially by him, and of the proceedings therein; and give, when required, without fee, advice to the Board of Police Commissioners, the Chief of Police, the Board of Health and the Coroner, upon matters relating to the duties of their respective offices.

Police Court prosecutions.

Quarterly statement.

Official register.

Legal advice.

Appointees

Assistants.

Salaries.

Duties.

SEC. 3. He may appoint seven Assistant District Attorneys to aid him in the discharge of his official duties, three of whom shall act as prosecutors in the Superior Court, and shall each receive an annual salary of thirty-six hundred dollars, and four of whom shall act as the prosecuting attorneys of the Police Court, and shall each receive an annual salary of twenty-four hundred dollars. When any of the assistants of the District Attorney acting as such prosecuting attorneys in the Police Court are not actually engaged in work connected with prosecutions therein, they shall be at the call of the District Attorney for any service connected with his department. The assistants must each, at the time of his appointment, be qualified to practice in all the courts of this State, and must have been so qualified for at least two years next preceding his appointment. The District Attorney may also appoint one chief clerk, who shall receive an annual salary of eighteen hundred dollars; one assistant clerk, who shall receive an annual salary of twelve hundred dollars; and one stenographer and typewriter who shall receive an annual salary of nine hundred dollars.

Qualifications.

Clerks.

Salaries.

SEC. 4. The District Attorney may, in the name of the

City and County, bid for and purchase property at execution sales under judgments for the recovery of fines, penalties or forfeitures accruing to the City and County. Property at execution sales.

CHAPTER IV.

THE PUBLIC ADMINISTRATOR.

SECTION 1. The Public Administrator shall be elected by the people, and he shall hold office for two years. He shall have all the powers conferred, and shall discharge all the duties imposed upon, the Public Administrators of counties by the general laws of this State, except as in this Charter otherwise specifically provided. He shall be entitled to all such fees as may be allowed by law to the Public Administrators of the counties of the State in full compensation for all his services. Public Administrator: Powers and duties. Allowed fees for compensation.

CHAPTER V.

THE COUNTY CLERK.

SECTION 1. The County Clerk shall be elected by the people and shall hold office for two years. He shall have all the powers conferred, and shall discharge all the duties imposed upon, the County Clerks of counties by the general laws of this State, and in addition thereto shall attend and act as Clerk of the Police Court, keep the dockets and registers thereof, and take charge of and safely keep all books, papers and records which may be filed or deposited in his office pertaining to the Police Court. He shall receive an annual salary of four thousand dollars. County Clerk: Term. Powers and duties. Clerk of Police Court. Salary.

SEC. 2. To aid him in the discharge of his official duties, the County Clerk may appoint a Chief Register Clerk, who shall receive an annual salary of twenty-four hundred dollars; a Cashier, who shall receive an annual salary of eighteen hundred dollars; twelve Court Room Clerks for the Superior Court who shall each receive an annual salary of fifteen hundred dollars; five Register Clerks, who shall each receive an annual salary of eighteen hundred dollars; ten Assistant Register Clerks, who shall each receive an annual salary of fifteen hundred dollars; sixteen copyists, who shall each receive an annual salary of twelve hundred dollars; and four Clerks for the Police Court, who shall each receive an annual salary of fifteen hundred dollars. Appointees Salaries. Cashier. Court Room Clerks. Register Clerks. Copyists. Police Court Clerks.

SEC. 3. For copies of papers furnished and certified by him, he shall charge not more than eight cents for each one hundred words. For certifying copies, which are not prepared by him, he shall be entitled to charge twenty-five cents, and also forty cents an hour for the time exceeding one hour necessarily occupied in comparing such copies. Copies of papers. Charges.

Certify papers. He must certify all papers presented to him which are copies of any document, paper or record, or portions thereof, in his custody.

CHAPTER VI.

THE SHERIFF.

Sheriff: Term. Salary. Powers and duties. SECTION 1. The Sheriff shall be elected by the people, and he shall hold office for two years. He shall receive an annual salary of eight thousand dollars, which shall be in full compensation for all official services required of him by law; but said salary shall be exclusive of the compensation received by him from the State for the delivery of prisoners to the State prisons, and insane persons to the State asylums for the insane. He shall have all the powers conferred, and shall discharge all the duties imposed upon, the Sheriffs of counties by the general laws of this State.

Appointees. Salaries. SEC. 2. He may appoint the following deputies and employees, who shall each respectively receive the following annual salaries:

Under Sheriff. Attorney. Bookkeepers. Deputies. Bailiffs. Jailers. Guards. Matron. Commissary Driver. One Under Sheriff, twenty-four hundred dollars; one Attorney, eighteen hundred dollars; one Chief Bookkeeper, eighteen hundred dollars; two Assistant Bookkeepers, fifteen hundred dollars; ten Office Deputies, fifteen hundred dollars; fourteen Bailiffs, twelve hundred dollars; one Chief Jailer at Branch Jail Number One, eighteen hundred dollars; ten Jailers at Branch Jail Number One, twelve hundred dollars; one Superintendent of Branch Jails Numbers Two and Three, eighteen hundred dollars; sixteen Guards at Branch Jail Number Two, six hundred dollars; one Matron at Branch Jail Number Three, nine hundred dollars; six Guards at Branch Jail Number Three, six hundred dollars; one Commissary to act for all jails, fifteen hundred dollars; one Driver of Van, nine hundred dollars; and one Bookkeeper for all said Branch Jails, fifteen hundred dollars.

Duties of Deputies. SEC. 3. The Sheriff may designate the services to be performed by his deputies.

CHAPTER VII.

THE JUSTICES' COURTS.

Justices of the Peace. Salaries. Chief Clerk Deputies. SECTION 1. The Justices of the Peace shall each receive an annual salary of twenty-four hundred dollars, except the Presiding Justice, who shall receive an annual salary of twenty-seven hundred dollars. They shall appoint a Chief Clerk who shall hold office for two years, and receive an annual salary of twenty-four hundred dollars. The Chief Clerk may appoint five deputies, each of whom shall receive an annual salary of twelve hundred dollars.

CHAPTER VIII.

THE POLICE COURT.

SECTION 1. There is hereby created and established in and for the City and County of San Francisco a Court to be known as the Police Court of the City and County of San Francisco. Said Court shall consist of four Judges, who shall be elected by the people and hold office for four years. They shall each receive an annual salary of thirty-six hundred dollars. They shall be electors of the City and County at the time of their election, and must have been such for at least five years next preceding such time. No person shall be eligible to the office of Judge of the Police Court who is not at the time of his election qualified to practice in all the Courts of this State, and who has not been so qualified for at least five years next preceding his election. The Court shall be divided into departments known as Department Number One, Department Number Two, Department Number Three, and Department Number Four. The Judges of such Court may hold as many sessions of the Court at the same time as there are Judges thereof. The Judges who shall be elected at the first election under this Charter shall so classify themselves by lot that two of them shall go out of office in two years and two of them in four years. Police Court. 4 Judges. Term. Salary. Qualifications. Departments.

They shall choose from their number a Presiding Judge who shall serve for one year. The Presiding Judge shall assign the Judges to their respective departments; but any of the Judges may preside in any of the departments in the absence or inability of the Judge regularly assigned thereto. Presiding Judge.

The judgments, orders and proceedings of any session of the Court held by any one or more of the Judges shall be equally effectual as if all the Judges had presided at such session. Sessions of Court.

SEC. 2. The Police Court of the City and County of San Francisco shall have : Jurisdiction.

First—Exclusive jurisdiction of all prosecutions for the violation of ordinances of the Board of Supervisors. Violation of ordinances.

Second—Concurrent jurisdiction with the Superior Court of all other misdemeanors and of the examination of all felonies committed in the City and County. Other misdemeanors and felonies.

Third—Said Court, or any Judge thereof, shall have the same powers in all criminal actions, cases, examinations and proceedings as are now or may hereafter be conferred by law upon Justices of the Peace. Powers in criminal actions.

SEC. 3. Proceedings in said Court shall be conducted in accordance with the laws of this State regulating proceedings in Justices' and Police Courts and appeals to the Proceedings, how conducted.

Police Court:

General law of the State.

Superior Court; and said Court or any Judge thereof shall have the same power in all criminal actions, cases and proceedings as are now or may be hereafter conferred by the general law of this State upon Justices of the Peace; provided, that:

Testimony.

First—No case shall be dismissed or fine imposed until the testimony for the prosecution shall be taken.

Statement on appeal.

Delay.

Amendments.

Second—Any defendant who neglects to file his statement on appeal within ten days after sentence shall lose his right to appeal, unless good cause for the delay be shown by affidavit. Press of business on the part of defendant's attorney shall not be deemed good cause for delay. Unless the District Attorney shall file amendments to the proposed statement on appeal within five days after the same shall have been filed and served, the proposed statement on appeal shall be the statement on appeal. The Judge before whom the case was tried shall settle the statement on appeal within five days after the District Attorney shall have filed his amendments to the proposed statement.

Soliciting Judges forbidden.

Third—Any person who shall solicit or importune any of said Judges, either before or after judgment, to dismiss a case, or mitigate a sentence, unless the same be done in open court, shall be guilty of a contempt of court.

Demurrers to complaint.

Fourth—A complaint may be demurred to on the ground that it does not set forth the offense charged with such particularities of time, place, person and property as to enable the defendant to understand distinctly the character of the offense complained of, and the complaint may be amended by permission of the Court after a demurrer is sustained.

Precedence of actions.

Fifth—A defendant in custody shall have the right to be tried before a defendant on bail, and felonies shall be heard before misdemeanors.

Continuances.

Sixth—The Judges of said Court shall try all cases as speedidly as possible, and must refuse continuances after the first calling of a case for trial except upon affidavit showing good cause therefor.

Bondsmen.

Oath.

Valuation.

Seventh—Other than lawfully authorized surety companies, no person shall be eligible to be a bondsman for any defendant on trial in the Police Court, or on appeal from a judgment therein, except he take an oath that the property specified in the undertaking is in the City and County of San Francisco, and that he is worth the amount specified exclusively of property exempt from execution, and exclusive of all demands for which he may become liable by reason of the forfeiture of any appeal or bail bonds for which he is surety.

District Attorney must attend.

SEC. 4. The District Attorney, either in person or by his Assistants, must be present at the sessions of the Court and

attend to the prosecution of all cases coming before it, and make out all complaints and warrants for the arrest of persons charged with crime to be prosecuted in said Court. Police Court:

SEC. 5. The District Attorney shall appoint a Warrant and Bond Clerk who shall receive a salary of twenty-four hundred dollars a year, and three Assistant Warrant and Bond Clerks, each of whom shall receive a salary of fifteen hundred dollars a year. No person shall be appointed a Warrant and Bond Clerk who is not at the time of his appointment qualified to practice in all the Courts of this State. The Warrant and Bond Clerk shall keep his office open continuously night and day for the transaction of business; shall draw complaints in actions in the Police Court, and approve the same with his written signature; shall have the custody of all bail bonds and appeal bonds taken in the Police Court; shall examine the sufficiency of every bail bond and appeal bond taken in the Police Court and make a return thereon, within forty-eight hours after such bond shall have come into his possession, in the following form: Warrant and bond clerks. Salaries. Qualifications. Duties. Bail and appeal bonds.

"I, ..., Warrant and Bond Clerk of the City and County of San Francisco, have examined the within bond and find it good in law. I have examined the record of the City and County of San Francisco, and find the property, its owners and incumbrances herein described, to be correct according to said records. (Signed ....., Warrant and Bond Clerk.)" Return on bonds.

The Warrant and Bond Clerk shall endorse upon the bond the time when it was issued by him, or when it came into his possesion. He may issue bail bonds and appeal bonds when the liability thereof does not exceed two thousand dollars, and order the discharge from custody of the persons for whom the bonds are issued; and he may take cash bail to the extent in any one case of one thousand dollars. He must account for and pay to the Treasurer all moneys received as bail in the manner that the County Clerk is required by law to account for and pay moneys received as fees. No clerk of the Police Court shall ever take bail or order the release of any one charged with an offense. Bail and appeal bonds. Limit. Cash bail.

SEC. 6. In the matter of fixing bail and ordering the release of prisoners the Warrant and Bond Clerk shall be subject to the Judges of the Police Court, and any violation of a valid order of any of said Judges shall be a contempt of Court. Fixing bail

SEC. 7. For any failure to keep the office of the Warrant and Bond Clerk open continuously he shall be immediately removed from office by the District Attorney or by the Mayor. Office always open.

SEC. 8. It shall be a misdemeanor for any person other

Police Court: Who may accept bail.

than a Judge of some Court in the City and County, or other than said Warrant and Bond Clerk, to receive bail money for defendants or to order their discharge.

Service of papers.

SEC. 9. All demurrers to complaints, notices of motion, statements and bills of exception on appeal to the Superior Court, must be served upon the Assistant District Attorney acting in the Department of the Court in which the case is set for hearing, or heard or tried.

Clerk of Police Court.

SEC. 10. The County Clerk shall be the Clerk of the Police Court, and he must be present either in person or by deputy at all sessions of the Court in the departments thereof;

Duties.

call the daily calendar of the departments, and keep full and complete records of all cases in the Court and the disposition made thereof by the Court.

Stenographers.

SEC. 11. The Police Judges may appoint not more than two competent stenographers who shall attend the sessions of the

Duties.

Court and take notes of all preliminary examinations made at the sessions, and transcribe into type-written long hand all evidence taken by either of them where the parties charged have been held for trial, and deliver one copy of the same to the Clerk and one copy to the District Attorney. Each

Salary.

of such stenographers shall be paid for all his services, including transcription and all stationery used by him, an annual salary of twenty-four hundred dollars.

Justices may act.

SEC. 12. The Mayor may in writing appoint any Justice of the Peace to act as Judge of the Police Court, or any department thereof, during the temporary absence or inability of the Judge to act.

Chief of Police to furnish daily calendar of arrests.

SEC. 13. The Chief of Police shall cause to be made out and delivered to each of the Clerks of the Court at or before nine o'clock in the forenoon of each day a calendar of arrests in which the cases shall have been assigned to the departments of the Court in accordance with the rules and regulations established by the Police Judges. The calendar

Statements therein.

shall state "the offense charged;" whether the defendant is "in custody" or "on bail;" "the amount of bail;" "whether cash or bond," and "the name of the arresting officer."

Bailiffs in Court.

SEC. 14. The Chief of Police shall appoint one or more Police Officers to attend the sessions of the Police Court in each department thereof to preserve order and execute the orders of the Court.

Rules.

SEC. 15. The Police Judges shall adopt all necessary rules and regulations for conducting the business of the Court.

Attorneys' Qualifications.

SEC. 16. No attorney shall appear in said Court to prosecute or defend persons charged with offenses unless at the time of his appearance he be qualified to practice law in all the courts of this State.

SEC. 17. The term of office of the Police Judges elected at the general election held in the year eighteen hundred and ninety-eight shall terminate at the hour of noon on the first Monday after the first day of January in the year nineteen hundred, and they shall at said time be succeeded by the Police Judges provided for in this Chapter; and all proceedings pending in said Court shall be transferred to the Police Court created under this Charter, and the Judges elected as herein provided shall have and obtain jurisdiction of the same. Police Judges: Term of those elected in 1898.

CHAPTER IX.

THE SAN FRANCISCO LAW LIBRARY.

SECTION 1. The Supervisors must provide, fit up and furnish, with fuel, lights, stationery, and all necessary conveniences, attendants and care, rooms convenient and accessible to the judges and officers of the courts and of the municipal government sufficient for the use and accommodation of the San Francisco Law Library, established under an Act of the Legislature of this State entitled: "An Act to provide for increasing the Law Library of the corporation known as the San Francisco Law Library, and to secure the use of the same to the Courts held at San Francisco, the Bar, the City and County Government and the People of the City and County of San Francisco," approved March 9th, 1870. The Supervisors must appropriate, allow, and order paid out of the proper fund such sums as may be necessary for the purposes aforesaid; and all sums lawfully appropriated and expended pursuant hereto shall be paid out of the proper fund on demands duly audited, in the mode prescribed by this Charter for auditing other demands upon the treasury. The County Clerk must pay monthly to the Treasurer of the San Francisco Law Library such moneys as he shall collect under the Act referred to for the benefit of said Law Library. Law Library. Rooms. Act of the Legislature. Appropriations. Other revenue.

ARTICLE VI.

DEPARTMENT OF PUBLIC WORKS. PUBLIC WORKS:

CHAPTER I.

THE BOARD OF PUBLIC WORKS.

SECTION 1. There shall be a Department of Public Works under the management of three Commissioners who shall constitute the Board of Public Works, and who shall give all their time during official business hours to the duties of their office. The members of said Board shall be appointed by the Mayor. Of those first appointed he shall appoint one for one year, one for two years, and one Board of Commissioners. Appointed by Mayor.

Term of Commissioners.

Qualifications.

Salary.

for three years. Each year thereafter he shall appoint for three years one person as the successor of the Commissioner whose term of office expires in that year. All such appointments shall be so made that not more than one member shall at any one time belong to the same political party. No person shall be eligible for appointment as such Commissioner unless he is, and has been for at least five years next preceding his appointment, an elector of the City and County. Each of said Commissioners shall receive an annual salary of four thousand dollars.

President of the Board.

Term.

SEC. 2. Of the Commissioners first appointed under this Charter, one shall be designated by the Mayor to serve as President for one year. All subsequent Presidents of the Board shall be elected by the members thereof for terms to be fixed by said Board. The President of the Board shall in each case hold office until his successor has been elected or until his membership on the Board expires.

Secretary of the Board.

Salary.

Employees.

Compensation.

SEC. 3. The Board may appoint a Secretary who shall receive an annual salary of eighteen hundred dollars. The Board may employ such clerks, superintendents, inspectors, engineers, surveyors, deputies, architects and workmen as shall be necessary to a proper discharge of their duties under this Article, and fix their compensation; but no compensation to any of said persons shall be greater than is paid in the case of similar employments.

Rules and regulations.

Bonds of employees.

SEC. 4. The Board shall establish all necessary rules and regulations for its government, and for the performance of its duties, and for the regulation and conduct of its officers and employees; and shall require adequate bonds from its officers and employees, except laborers, for the faithful performance of all their duties in such sums as may be fixed by the Supervisors. Said bonds shall be approved by the Mayor and shall be filed in the office of the Auditor.

Meetings weekly.

Place and time.

Special meetings.

SEC. 5. The Board shall hold regular meetings at least once each week at a place and time to be fixed by resolution entered on its minutes. No changes in place or time of regular meetings shall be made without a resolution passed at least two weeks before the time the change is to go into effect. Such special meetings may be held as the Commissioners may deem necessary after notice of the same has been posted ten hours before the time of holding any such meeting. All meetings shall be public. No business shall be transacted at an adjourned meeting except such as may have been under, or proposed for, consideration at the meeting from which the adjournment was had. No business shall be transacted at a special meeting except that which is named in the notice of said meeting. Special meetings may

be called by any member of the Board. In every case where a power is exercised under this Article by the Board the vote thereon shall be taken by ayes and noes. Vote by ayes and noes.

SEC. 6. The Board shall keep and preserve a record of all its proceedings, and copies of all plans, specifications, reports, contracts, estimates, certificates, receipts, surveys, field notes, maps, plats, profiles, and of all papers pertaining to the transactions of the Board. The Secretary of the Board shall keep a record of all its transactions, specifying therein the names of the Commissioners present at all the meetings, and giving the ayes and noes upon all votes. The Secretary shall post and publish all orders, resolutions and notices as required in this Chapter or which the Board shall order to be posted or published. He shall perform such other duties as may from time to time be prescribed by the Board. Record of all proceedings to be kept. Duties of Secretary.

SEC. 7. The Board shall be the successor in office and shall have all the powers and perform all the duties of the Superintendent of Streets, Highways and Squares, of the New City Hall Commissioners, and of the Commisisons in existence at the time this Charter goes into effect for the opening, extending, widening, narrowing, straightening, closing or changing the grades of streets in the City and County. Powers and duties of the Board.

SEC. 8. The Board shall immediately after its organization take possession and have the custody and control of all maps, plats, surveys, field notes, records, plans, specifications, reports, contracts, models, machinery, instruments, tools, appliances, contract rights, privileges, books, documents and archives and other property belonging to the City and County, or which may be of value and importance to the City and County, and heretofore kept by or in the offices of the City and County Surveyor, the Superintendent of Public Streets, Highways and Squares, the Board of New City Hall Commissioners, and all commissions in existence at the time this Charter goes into effect for the opening, extending, widening, narrowing, straightening, closing or changing the grades of streets, and all other business and works pertaining to any of said offices or commissions. Custodian of all official papers and matters relating to streets.

SEC. 9. The Board of Public Works shall have charge, superintendence and control, under such ordinances as may from time to time be adopted by the Supervisors: Matters under control of the Board:

1. Of all public ways, streets, avenues, lanes, alleys, places, courts, roads, highways and boulevards now opened or which may hereafter be opened in the City and County; of the manner of their use; and of all work done upon, over or under the same; and herein particularly the Board shall Streets.

Matters under control of the Board: have exclusive authority to prescribe rules and grant permits, in conformity with the ordinances of the Supervisors, for the moving of buildings through the streets thereof, and the building or placing of cellars or vaults under the

Tracks. streets or sidewalks, and of temporary fences enclosing areas upon the sidewalks; the laying down and con-

Poles. struction of railroad tracks in the streets; the erec-

Wires. tion of telegraph and telephone poles, and poles for electric lighting, and the laying under the surface of the

Sewers. streets or sidewalks of telegraph or telephone wires, and

Pipes. wires for electric lighting and power; the construction of drains and sewers; the laying down and taking up of gas,

Building materials. steam and water pipes, pneumatic or other tubes or pipes, and sewers and drains, and determining the location thereof; the using of the street or any portion thereof for the deposit of building material in front of a building during its construction or repair, or for any purpose other than such as ordinarily and properly belongs to the public from the dedication thereof to public use; and without such permission in writing from said Board no person shall do any of the acts

Exception. in this section enumerated; but nothing in this section shall be so construed as to give said Board the power to grant permits for or allow the permanent encroachment upon any sidewalk of any structure;

Drainage. 2. Of all sewers, drains and cesspools, and of the work pertaining thereto or to the drainage of the City and County;

Cleaning and sprinkling streets 3. Of the cleaning and sprinkling of all public streets, avenues, alleys, places, courts, roads, highways and boule-

Lighting. vards, and the lighting of the same and the lighting of the parks, squares and other public places and public buildings;

Public buildings. 4. Of the cleaning of all the public buildings of the City and County and of the appointment of such janitors and employees as are needed for such purpose;

Building construction. 5. Of the supervision of any and all building construction in the City and County;

Constructing public buildings. 6. Of the construction of any and all public buildings and structures, under plans duly approved by the various departments, including all school houses and fire-department buildings, and the repair and maintenance of any and all buildings and structures owned by the City and County;

Conduits. Garbage. Sewer System. 7. Of any and all wires and conduits, the collection and disposal of street refuse, garbage and sewage, and the designing, construction and maintenance of the sewerage and drainage systems of the City and County;

Public utilities. 8. Of any and all public utilities owned, controlled or operated by the City and County, or which may hereafter be so owned, controlled or operated.

Excavation of streets.

9. When at any time any person, company or corporation desires to have opened or torn up the roadway of any street, lane, alley, place or court in the City and County for any purpose, a written application shall be made to the Board of Public Works for permission to do so. The Board shall thereupon make an estimate of the expense of opening or tearing up such street, lane, alley, place or court and of restoring the same to as good a condition as it was in before said opening or tearing up. Such person, company or corporation must thereupon deposit the amount of such estimate with the Board of Public Works which shall thereupon pay the same into the General Fund.

Deposit to cover same.

Board shall do the work.

The Board shall thereupon proceed to open or tear up said street, lane, alley, place or court as in said application requested, and shall at the proper time restore such street, lane, alley, place or court to as good a condition as it was in before said opening or tearing up. Contracts for the doing of such work by the Board may be let by it in the manner provided in this Chapter, or the work may, at the option of the Board, be done by days' labor.

By contract or days' labor.

Insufficient estimate.

If the expense of such work has been more than the aforesaid estimate, the person, company or corporation shall be indebted to the City and County for such balance; and the same shall constitute a lien upon the property of such person, company or corporation. Said lien shall remain in force until such balance has been paid, or until the lien shall be legally discharged. Said lien may be enforced by suit brought by the City and County in accordance with the provisions of the Code of Civil Procedure of the State of California. If the expense of such work has been less than the aforesaid estimate, then the surplus shall constitute a claim in favor of such person, company or corporation, against the City and County, and as such shall be presented, approved and paid as other claims.

Lien for payment.

Excess estimate.

Surplus returned.

Data for Supervisors.

SEC. 10. All examinations, plans and estimates required by the Supervisors in connection with any public improvements or utilities, shall be made by the Board of Public Works and it shall, when requested to do so, furnish information and data for the use of the Supervisors.

City Engineer.

SEC. 11. Said Board shall appoint a Civil Engineer of not less than five years' practical experience as such, who shall be designated the City Engineer. He shall hold his office at the pleasure of the Board.

Duties.

He shall perform all the civil engineering and surveying required in the prosecution of the public works and improvements done under the direction and supervision of said Board, and shall certify to the progress and completion of

Powers of City Engineer.

the same, and do such other surveying or other work as he may be directed to do by said Board or by the Supervisors. He shall possess the same power in the City and County in making surveys, plats and certificates as is or may from time to time be given by law to City Engineers and to County Surveyors, and his official acts and all plats, surveys and certificates made by him shall have the same validity and be of the same force and effect as are or may be given by law to those of City Engineers and County Surveyors.

Certificate on street assessments.

No street assessment shall be valid without his certificate as to the quantities and unless it be to the effect that the work has been done to the official lines, elevations and grades.

City Engineer.

SEC. 12. He shall serve the Board exclusively and shall not be engaged in any other business while he is in its service. He shall receive no compensation except his salary. The Board shall by resolution establish fees and charges for the services to be performed by the City Engineer for persons, companies and corporations, and may from time to time change and adjust the same. Said Engineer shall require such fees or charges to be paid in advance for any official act or service demanded of him, and such moneys thus paid shall be paid to the Treasurer and credited by him to such fund or funds as said Board may direct.

Salary.

Fees for services.

Paid into treasury.

Appointees of Board.

SEC. 13. The Board shall appoint the necessary heads of departments under its charge. Each such head shall have the sole executive control in its own department, subject to the rules and regulations prescribed by the Board.

Public work by contract.

SEC. 14. All public work authorized by the Supervisors to be done under the supervision of the Board of Public Works shall, unless otherwise determined by the Board of Public Works, be done under written contract, except in case of urgent necessity as hereinafter provided; and except as otherwise specifically provided in this Charter, the following proceedings shall be taken in all cases in the matter of the letting of contracts by said Board. Before the award of any contract for doing any work authorized by this Article, the Board shall cause notice to be posted conspicuously in its office for not less than five days, and published for the same time, inviting sealed proposals for the work contemplated; except, however, that when any repairs or improvement, not exceeding an estimated cost of five hundred dollars, shall be deemed of urgent necessity by the Board, such repairs or improvement may be made by the Board under written contract or otherwise, without advertising for sealed proposals.

Exceptions.

Letting of contracts.

Notice.

Proposals.

Urgent Necessity.

Advertisement for proposals.

SEC. 15. Said advertisement and notice shall invite sealed proposals to be delivered at a certain day and hour at the office of the Board for furnishing the materials for

the proposed work, or for doing said work, or for both, as may be deemed best by the Board, and shall contain a general description of the work to be done, the materials to be furnished, the time within which the work is to be commenced, and when to be completed, and the amount of bond to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the Board for full details and description of said work and materials. Advertisement for proposals.

SEC. 16. All proposals shall be made upon printed forms to be prepared by the Board, and furnished gratuitously upon application, with a form for the affidavit hereinafter provided for printed thereon. Each bid shall have thereon the affidavit of the bidder that such bid is genuine, and not collusive or sham; that he has not colluded, conspired, connived or agreed, directly or indirectly, with any other bidder or person to put in a sham bid, or that such other person shall refrain from bidding; and has not in any manner sought by collusion to secure any advantage against the City and County, or any person interested in said improvement. for himself or any other person. All bids shall be clearly and distinctly written, without any erasure or interlineation, and if any bid shall have an erasure or interlineation it shall not be received or considered by the Board. Any contract made in violation of any of the foregoing provisions, and in the case of improvement of streets, any assessment for the work done under such contract, shall be absolutely void. Form of proposals. Bids. Affidavit. Collusion. Erasures. Penalty for violation.

All proposals offered shall be accompanied by a check, certified by a responsible bank, payable to the order of the Clerk of the Supervisors, for an amount not less than ten per centum of the aggregate of the proposal, and no proposal shall be considered unless accompanied by such check. Check for 10 per cent.

No person, corporation or firm shall be allowed to make, file, or be interested in, more than one bid for the same work. If on the opening of said bids more than one bid appear in which the same person, corporation or firm is interested, all such bids shall be rejected. But one bid permitted.

SEC. 17. On the day and at the hour specified in said notice inviting sealed proposals the Board shall assemble and remain in session for at least one hour, and all bids shall be delivered to the Board while it is so in session, and within the hour named in the advertisement. No bid not so delivered to the Board shall be considered. Each bid as it shall be received shall be numbered and marked "Filed" by the President and authenticated by his signature. At the expiration of the hour stated in the advertisement within which the bids will be received, the Delivery and opening of bids.

Opening of bids. Board shall, in open session, open, examine and publicly declare the same, and an abstract of each bid shall be recorded in the minutes of the Board by the Secretary. Before adjourning, the Board shall compare the bids with the record made by the Secretary, and shall thereupon, at said time, or at such other time, not exceeding twenty days thereafter, as the Board may adjourn to, award the contract to the lowest bidder, except as otherwise herein provided. Notice of such award shall forthwith be posted for five days by the Secretary of the Board in some conspicuous place in the office of the Board, and be published for the same period of time.

Award of contract.

Board may reject bids. The Board may reject any and all bids, and must reject the bid of any party who has been delinquent or unfaithful in any former contract with the City and County, and all bids other than the lowest regular bid; and on accepting said lowest bid, shall thereupon return to the proper parties the checks corresponding to the bids so rejected. If all the bids are rejected, the Board shall return all the checks to the proper parties and again invite sealed proposals as in the first instance.

Disposition of checks.

The check accompanying the accepted bid shall be held by the Secretary of the Board until the contract for doing said work, as hereinafter provided, has been entered into, whereupon said certified check shall be returned to said bidder.

Forfeiture of check. If said bidder fails or refuses to enter into the contract to do said work, as hereinafter provided, then the certified check accompanying his bid, and the amount therein mentioned, shall be forfeited to the City and County, and shall be collected and paid into the General Fund. Neither the Board of Public Works nor the Supervisors shall have power to relieve from or remit such forfeiture.

Penalty for collusion. SEC. 18. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties, for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the Board shall advertise for a new contract for said work.

Owners of major part of frontage may do the work. SEC. 19. In the case of improvement of streets, the owners of the major part of the frontage of lots and lands upon the street whereon the work is to be done, or which are liable to be assessed for such work, or, in the case of an assessment district, the owners of a major part of the superficial area embraced in such district, or their agents, shall not be required to present sealed proposals, but may, upon making oath that they are such owners, or the agents of such owners, within ten days after the first posting of notice

of said award, elect to take said work and enter into a written contract to do the whole work at the price at which the same has been awarded. Should such owners not enter into a written contract therefor within said ten days, or should they enter into such contract and fail to commence the work within the time stated therein, which time shall not be less than ten nor more than twenty days from the time of the execution of such contract, the Board shall enter into a contract with the original bidder to whom the contract was awarded at the price specified in his bid. If the original bidder shall fail or refuse for fifteen days after the first posting of notice of the award to enter into the contract, the Board shall again advertise for proposals as in the first instance.

Owners may contract for the work.

Otherwise Board will contract.

SEC. 20. If the owners or contractor who may have entered into any contract do not complete the same within the time limited in the contract, or within such further time as is hereinafter provided, the Board may relet the unfinished portion of said work in accordance with the provisions in this Chapter prescribed for the letting of the whole.

Failure to complete work.

SEC. 21. All contracts shall be drawn under the supervision of the City Attorney, and shall contain detailed specifications of the work to be done, the manner in which it shall be executed, and the quality of the material to be used.

City Attorney to draw contracts.

Every contract entered into by the Board shall be signed by all the members thereof and by the other contracting party. All contracts shall be signed in triplicate, one of which, with the specifications and drawings, if any, of the work to be done, and the materials to be furnished, shall be filed with the Clerk of the Supervisors; one thereof, with said specifications and drawings, shall be kept in the office of the Board, and the other with said specifications and drawings shall be delivered to the contractor.

Contracts in triplicate.

Where filed.

At the same time with the execution of the contract the contractor shall execute to the City and County and deliver to the Secretary of the Board a bond in the sum named in the notice for proposals, with two or more sufficient sureties to be approved by the Board, or shall deposit with the Secretary a certified check upon some solvent bank for said amount, for the faithful performance of the contract. No surety on any bond, other than lawfully authorized surety companies, shall be taken unless he shall be a payer of taxes on real property, the assessed value of which, over and above all incumbrances, is equal in amount to his liabilities on all bonds on which he may be security to the City and County; and each surety shall justify and make an affidavit (for which a form shall be printed upon said bond),

Bonds of contractors

Surety on bonds.

Affidavit.

signed by him, that he is assessed upon the last Assessment Book of the City and County in his own name for real property in an amount greater than his liability on all bonds on which he is surety to the City and County, and that the taxes on such property so assessed are not delinquent.

Time to complete work.

The contract shall specify the time within which the work shall be commenced, and when to be completed, as was specified in the notice inviting proposals therefor. Upon the recommendation of the Board, the Supervisors may extend said time; but in no event shall the time for the performance of said contract be extended by the Supervisors more than ninety days beyond the time originally fixed for its completion; but, on the unanimous recommendation of the Board of Public Works, a further extension may be granted by vote of fourteen members of the Board of Supervisors. In case of failure on the part of the contractor to complete his contract within the time fixed in the contract, or within such extension of said time as is herein provided, his contract shall be void, and the Supervisors shall not pay or allow to him any compensation for any work done by him under said contract; and, in the case of the improvement of streets, no assessment shall be made for the work done under said contract.

Extension of time.

Penalty for failure to complete work.

Work must be satisfactory to the Board.

SEC. 22. The work in this Article provided for must be done under the direction and to the satisfaction of the Board of Public Works; and the materials used must be in accordance with the specifications and be to the satisfaction of said Board, and all contracts provided for in this Article must contain a provision to that effect, and also, that in no case, except where it is otherwise provided in this Charter, will the City and County, or any department or officer thereof, be liable for any portion of the expense, or in the case of improvement of streets, for any delinquency of persons or property assessed.

Certificate of satisfactory work.

When said work shall have been completed to the satisfaction and acceptance of the Board, it shall so declare by resolution, and thereupon the Board shall deliver to the contractor a certificate to that effect.

CHAPTER II.

IMPROVEMENT OF STREETS.

Street improvement.

SECTION 1. All streets, lanes, alleys, places or courts, in the City and County now open or dedicated or which may hereafter be opened or dedicated to public use, shall be deemed and held to be open public streets, lanes, alleys, places or courts, for the purposes of this Chapter; and the Supervisors are hereby empowered to fix the width and grade thereof, and to order to be done therein and thereon

Width and grade.

any and all street work and street improvement under the proceedings hereinafter described. Street improvement.

SEC. 2. Application for the doing of any such work or improvement must in the first instance, except where otherwise provided in this Article, be made in writing to the Board of Public Works; and if the expense thereof is to be assessed upon private property, the Board shall investigate the same; and if it determine that such improvement is expedient, it shall so report to the Supervisors; and the Supervisors shall not order any such improvement until the same has been recommended by said Board. When the construction of any sewer or drain shall involve a cost of more than five dollars per lineal foot for any block, it shall not be authorized except by an ordinance passed by the affirmative vote of not less than fourteen members of the Board of Supervisors. If an application is made for any work or improvement of which the expense is to be paid by the City and County, and the Board of Public Works shall not approve of such application, it shall report to the Supervisors its reasons for such disapproval, and the Supervisors may then, after having obtained from the Board of Public Works an estimate of the expense of said work or improvement, by ordinance passed by the affirmative vote of not less than fourteen members of the Board of Supervisors, order the doing of said work, or the making of said improvement. Application. Board to recommend work. Sewer work by ordinance. Disapproval of Board

The Board of Public Works may also, except as herein prohibited, recommend any improvement, the expense of which is to be paid by the City and County, though no application may have been made therefor, and must make, with said recommendation to the Supervisors, an estimate of the expense, and in such case the Supervisors may order the same done. Recommendation of Board to Supervisors.

No street work or street improvements of anykind shall be ordered to be done by the Supervisors unless a written recommendation to do the same has been made to them by the Board of Public Works, and all such recommendations shall be made matters of record in the office of said Board. Work must be approved by Board.

When the Board shall recommend any work to be done on a street intersection or crossing, where the streets do not intersect each other at right angles, it shall in each such case determine what lots in the blocks adjacent to such intersection or crossing will be benefited by said work, and shall cause a map to be made on which shall be delineated the lots so to be benefited. Such map shall be transmitted to the Supervisors with said recommendation. Street crossings. Map.

SEC. 3. Before recommending to the Supervisors the ordering of any work or improvement, the expense of which,

Street improvement resolution.

or any part thereof, is to be assessed upon private property, the Board of Public Works shall pass a resolution of its intention to recommend the same, specifying the work to be recommended, and shall fix a day when it shall take final action upon said resolution.

Notice of street work posted and mailed.

Upon the passage thereof the Secretary of the Board shall forthwith, without any further authority, cause a copy of said resolution to be posted conspicuously for five days in the office of said Secretary, and to be published for a period of ten days (legal holidays excepted) and cause a copy to be deposited in the Post Office at the City and County, with postage prepaid, addressed to each person represented on the Assessment Book of the City and County for the next preceding fiscal year as being owner of land liable to be assessed for said improvement; but if said lot stand on said book in the name of unknown owners, such notice need not be sent.

Notices posted along line of improvement.

The Board shall also cause to be conspicuously posted along the line of said contemplated improvement, at points not more than one hundred feet in distance apart, notices, not less than three in all, of the passage of said resolution. Each of said notices shall be headed "Notice of Street Work" in letters of not less than two inches in length, and shall in legible characters state the fact of the passage of said resolution, its date, and, briefly, the work or improvement proposed, and refer to the resolution of intention for further particulars.

Owners may make written objections.

SEC. 4. The owners of a majority of the frontage of the property fronting on said proposed work or improvement, and, in the case of a district, those owning more than one-half of the superficial area of the district, may make written objections to the same within ten days after the expiration of the time of the publication of said resolution of intention, which objections shall be delivered to the Secretary of the Board of Public Works, who shall endorse thereon the date of its reception by him. Such objections shall be a bar for six months to any further proceedings in relation to the doing of said work or making said improvement, unless the owners of the one-half or more of the frontage or of the district, as aforesaid, shall meanwhile petition for the same to be done, and the same shall, after the expiration of said six months, be continued under the resolution of intention first passed if said Board shall deem proper. If, however, the owners of at least two-thirds of the property fronting on said proposed work or improvement, and, in the case of a district, those owning at least two-thirds of the superficial area of the district, shall make written objections to the same within

Bar for 6 months.

said six months, no further proceedings shall be taken under the aforesaid resolution of intention.

When the work or improvement proposed to be done is the construction of sewers, manholes, culverts or cess-pools, and the objections thereto are signed by the owners of a majority of the frontage or of the district as aforesaid, the Board shall, at its next meeting, fix a time for hearing said objections, not less than one week thereafter. The Secretary shall thereupon notify the persons making such objections, by depositing a notice thereof in the Post Office at the City and County, postage prepaid, and addressed to each objector or his agent when he appears for such objector. At the time specified the Board shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive; and if said objections are overruled the proceedings shall be continued as though no objections had been made.

Street improvement. Construction of sewers. Hearing of objections.

At any time before the making of the assessment as hereinafter provided, all owners of lots of land liable to assessment therein, who, after the first publication of the aforesaid resolution of intention, may feel aggrieved, or who may have objections to any proceedings in relation to the performance of the work described in said resolution, may file with the Secretary a petition of remonstrance, wherein they shall state in what respect they feel aggrieved, or the proceedings to which they object. Such petition or remonstrance shall be passed upon by the Board, and its decision thereon shall be final and conclusive.

Petition of remonstrance.

SEC. 5. When the contemplated work or improvement in the opinion of the Board of Public Works is of more than local or ordinary public benefit, it may recommend to the Supervisors that the expense of such work or improvement be made chargeable upon a district, and said Board shall in its resolution of intention set out the district benefited by said work or improvement and to be assessed to pay the expense thereof. Objections to the extent and boundaries of the district of lands to be benefited by said work or improvement may be made by any interested party, in writing, within ten days after the expiration of the time of publication of the resolution of intention.

Improvement chargeable upon a district. Objections in writing.

The Secretary of the Board shall lay said objections before it and the Board shall, at its next meeting, fix a time for hearing said objections not less than one week thereafter. The Secretary shall thereupon notify the persons making such objections by depositing a notice thereof in the Post Office at the City and County, postage prepaid, addressed to each objector. At the time specified the Board shall hear the objections urged and pass upon the same,

Hearing of objections.

Street improvement.

and if said objections are overruled, its decision shall be final and conclusive as to the extent and boundaries of the district.

If objections are sustained.

If the objections are sustained, the Board shall proceed to set out another district to the extent and boundaries of which objections may be made and a hearing had thereon as above provided; and so on in like manner until a district has been set out to the extent and boundaries of which all objections shall be overruled by the Board—its decision in that behalf to be final and conclusive; and thereupon the proceedings shall continue the same as if no objections had been made. In its report to the Supervisors the Board shall accompany its report with a diagram on which shall be delineated each separate lot, piece or parcel of land, the area in square feet of each of such lots, pieces or parcels of land, and the relative location of the same to the work or improvement proposed to be done within the limits of the district. Such diagram shall be certified to be correct by the Secretary of the Board.

Diagram of each lot.

Completion of work.

SEC. 6. When the work under any contract shall have been completed, the contractor shall make and file in the office of the Board of Public Works an affidavit to the effect that he has not entered into any private agreement, verbal or written, with any person liable to be assessed for said work, or with any one on his behalf, to accept a price from him less than the price named in said contract, or to make any rebate or deduction to him from such price. Any such agreement shall be deemed a fraud upon all persons liable to be assessed for such work other than the property owners who were parties to the agreement, and shall make void, as to such persons so defrauded, any assessment made for the work done under such contract; and where there is more than one contractor each contractor shall make such affidavit.

Affidavit of contractor.

Private agreement nullifies contract.

Completion of contract

SEC. 7. When any work in or upon any public street shall have been completed according to contract, and the affidavit mentioned in the next preceding section shall have been made, the Board shall make an assessment to cover the sum due for the work performed and specified in said contract (including all incidental expenses), in conformity with the provisions of this Article, according to the nature and character of the work. The assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with any incidental expenses, the rate per front foot assessed, the amount of each assessment, the name of the owner of each lot (if known to the Board, and if not known, the word "*unknown*" shall be written opposite the number of the lot

Assessment to pay for same.

and the amount assessed thereon); the number of each lot assessed, and shall have attached thereto a diagram exhibiting the street or street crossing on which the work has been done, and showing the relative location of each distinct lot to the work done, numbered to correspond with the numbers in the assessment, and showing the number of front feet assessed for said work. A mistake in the name of the owner shall not invalidate any assessment. Street improvement

When the expense of such work falls in part upon any person, company or corporation having railroad tracks upon the street where such work has been done, said assessment shall include an assessment against said person, company or corporation, for its legal proportion of said expense, and the same shall constitute a lien upon the road-bed, rolling stock, franchises and other property of such person, company or corporation, for a period of two years from the date of recording the warrant, assessment and diagram hereinafter provided for. Proportion of assessment on railroads.

SEC. 8. The expense of all work or improvement done upon any part of said streets, lanes, alleys, places or courts, under the order of the Supervisors, shall be borne and paid for as follows: Division of expense.

First.—The City and County shall pay out of the General Fund the expense: City and County.

a. Of all work done on streets, crossings and intersections of streets that have been or may be accepted by the City and County, after the acceptance of the same, and all repairs and improvements deemed of urgent necessity that may be made upon the public streets and highways. Accepted streets.

b. Of all work done in front of, or that may be assessed to, property owned by the City and County or by any department thereof. Front of city property.

c. Of all work done in front of, or that may be assessed to, property owned by the United States. Front of U. S. property.

Second.—The expense of all sewers, cesspools, manholes, culverts and drains, and of all grading, planking, macadamizing, paving, piling and capping any street, or portion thereof, and of all curbs thereon, and of all work done on sidwalks, shall be assessed upon the lands within the block or blocks adjacent thereto as herein provided, except where by an assessment district it may be provided otherwise. Sewers, grading, paving, assessed to adjacent blocks or district.

Third.—The expense of all work on such portion of any street required by law to be kept in order by any person, company, or corporation, having railroad tracks thereon, shall be borne and paid for by such person, company or corporation, and shall be included in the assessment hereinbefore provided for. Railroads must bear proportion.

No assessment shall be levied upon any property, which,

Street improvement. Limit of assessment.

together with all assessments for street improvements that may have been levied upon the same property during the year next preceding, will amount to a sum greater than fifty per centum of the value at which said property was assessed upon the last preceding Assessment Book of the City and County.

How assessments for street work shall be levied.

SEC. 9. *Subdivision One*—Except where the expense incurred for the street work and improvement authorized herein is to be assessed upon a district as hereinafter provided, such expense, other than that to be paid by a person, company or corporation having tracks on the street where such work and improvement has been done, shall be assessed upon the lots and lands fronting thereon, except as hereinafter specifically provided; each lot or portion of a lot being separately assessed in proportion to the frontage at a rate per front foot sufficient to cover the total expense of the work.

Assessment according to nature of work.

Subdivisicn Two—The expense of all improvement except such as is done by contractors under the provisions of section sixteen of this Chapter, until the streets, avenues, street crossings, lanes, alleys, places, or courts are finally accepted, as provided in section twenty-three of this Chapter, shall be assessed upon the lots and lands as provided in this section according to the nature and character of the work.

Work on main street crossings.

Subdivision Three—The expense of the work done on main street crossings shall be assessed at a uniform rate per front foot on the quarter blocks and irregular blocks adjoining and cornering upon the crossings, and separately upon the whole of each lot or portion of a lot having any frontage in the said blocks fronting on said main streets, half way to the next main street crossing, and all the way on said blocks to a boundary line of the city where no such crossing intervenes, but only according to its frontage in said quarter blocks and irregular blocks.

Main street terminating in another main street.

Subdivision Four—Where a main street terminates in another main street, the expense of the work done on one half of the width of the street opposite the termination shall be assessed upon the lots in each of the two quarter blocks adjoining and cornering on the same, according to the frontage of such lots on said main street, and the expense of the other half of the width of said street upon the lot or lots fronting on the latter half of the street at such termination.

Alley crossing main street.

Subdivision Five—Where any alley or subdivision street crosses a main street, the expense of all work done on said crossing shall be assessed on all lots or portions of lots half way on said alley or subdivision street to the next crossing or intersection, or to the end of such alley or subdivision street if it does not meet another.

Subdivision Six—The expense of work done on alley or subdivision street crossings shall be assessed upon the lots fronting upon such alley or subdivision streets on each side thereof, in all directions, half way to the next street, place, or court, on either side, respectively, or to the end of such alley or subdivision street, if it does not meet another. Street improvement. Alley crossings.

Subdivision Seven—Where a subdivision street, avenue, lane, alley, place, or court, terminates in another street, avenue, lane, alley, place, or court, the expense of the work done on one-half the width of the subdivision street, avenue, alley, place, or court opposite the termination, shall be assessed upon the lot or lots fronting on such subdivision street or avenue, lane, alley, place, or court so terminating, according to its frontage thereon, half-way on each side, respectively, to the next street, avenue, lane, alley, court, or place, or the end of such street, avenue, lane, alley, place, or court, if it does not meet another, and the other one-half of the width upon the lots fronting such termination. Alley terminating in another street.

Subdivision Eight—Where any work mentioned in this Chapter, manholes, cesspools, culverts, crosswalks, piling and capping excepted, is done on either or both sides of the centre line of any street for one block or less, and further work opposite to the work of the same class already done is ordered to be done to complete the unimproved portion of said street, the assessment to cover the total expense of said work so ordered shall be made upon the lots or portions of the lots only fronting the portions of the work so ordered. When sewering or resewering is ordered to be done under the sidewalk or only on one side of street for any length thereof, the assessment for its expense shall be made only upon the lots and lands fronting nearest upon that side, and for intervening intersections only upon the two quarter blocks adjoining and cornering upon that side. Work to complete unimproved portion of street. Sewering on one side of street.

Subdivision Nine—Any owner or owners of lots or lands fronting upon any street, the width and grade of which have been established by the Supervisors, may perform at his or their own expense (after obtaining permission from the Board of Public Works so to do, but before said Board has passed its resolution of intention to recommend grading inclusive of this) any grading upon said street, to its full width, or to the centre line thereof, and to its grade as then established, and thereupon may procure, at his or their own expense, a certificate from the City Engineer setting forth the number of cubic yards of cutting and filling made by him or them in said grading, and the proportions performed by each owner, and that the same is done to the established width and grade of said street, or to the centre line thereof, and thereafter may file said certificate in the Owners may do the grading in front of their lots. Certificate of work.

Street improvement.

office of the Board. Said certificate shall be recorded in a properly indexed book kept for that purpose in the office of the Board. Whenever thereafter the Supervisors order the grading of said street, or any portion thereof, on which any grading certified as aforesaid has been done, the bids and contract must express the price by the cubic yard for cutting and filling in grading, and such owner or owners, and his or their successors in interest, shall be entitled to credit on the assessment upon his or their lots and lands fronting on said street for grading thereof, to the amount of the cubic yards of cutting and filling set forth in his or their said certificate, at the prices named in the contract for said cutting and filling; or, if the grade meanwhile has been legally changed, only for so much of said certified work as would be required for grading to the grade as changed. Such owner or owners shall not be entitled to any credit that may be in excess of the assessments for grading upon the lots and lands owned by him or them, and proportionately assessed for the whole of said grading. The Board shall include in the assessment for the whole of said grading upon the same grade the number of cubic yards of cutting and filling set forth in any and all certificates so recorded in his office, or for the whole of said grading to the changed grade so much of said certified work as would be required for grading thereto, and shall enter corresponding credits, deducting the same as payments upon the amounts assessed against the lots and lands owned respectively by said certified owners and their successors in interest; but he shall not include any grading quantities or credit any sums in excess of the proportionate assessments for the whole of the grading which are made upon any lots and lands fronting upon said street and belonging to any such certified owners or their successors in interest. When any owner or owners of any lots and lands fronting on any street shall have heretofore done, or shall hereafter do any work, except grading, on such street, in front of any block, at his or their own expense, and the Supervisors shall subsequently order any work to be done of the same class in front of the same block, the work so done at the expense of such owner or owners shall be excepted from the order ordering work to be done, as provided in subdivision ten of this section; but the work so done at the expense of such owner or owners shall be upon the official grade, and in condition satisfactory to the Board of Public Works at the time said order is passed.

Grading contract.

Credit to certain owners for work done.

Cutting and filling.

Other work than grading.

Resolution of intention.

Subdivision Ten—The Board of Public Works may include in the resolution of intention any of the different kinds of work mentioned in this Chapter, and it may except therefrom any of said work already done upon the street to the

official grade. The lots and portions of lots fronting upon said accepted work already done shall not be included in the frontage assessment for the class of work from which the exception is made; but this shall not be construed so as to affect the special provisions as to grading contained in subdivision nine of this section. Street improvement.

Subdivision Eleven—When the resolution of intention declares that the expense of the work and improvement is to be assessed upon a district, immediately after the contractor has fulfilled his contract to the satisfaction of the Board of Public Works, or to the satisfaction of the Supervisors on appeal, the Board of Public Works shall proceed to estimate upon the lands, lots, or portions of lots within said assessment district, as shown by the diagram provided for in section five of this Chapter, the benefits arising from such work, and to be received by each such lot, portion of such lot, piece or subdivision of land, and shall thereupon assess upon and against said lands in said assessment district the total amount of the expense of such proposed work, and in so doing shall assess said total sum upon the several pieces, parcels, lots, or portions of lots, and subdivisions of land in said district benefited thereby, to wit: Upon each respectively in proportion to the estimated benefits to be received by each of said several lots, portions of lots, or subdivisions of land. In other respects the assessment shall be as provided in this Chapter. Estimate and assessment upon completion of contract.

SEC. 10. If at any time there shall be any street work or improvement done, and none of the methods hereinbefore provided are legally sufficient to authorize the Board of Public Works to make an assessment to pay for the expense thereof, then said Board shall, before it passes a resolution of its intention to recommend the ordering of said work or improvement, establish by resolution a method by means of which such assessment shall be made; and on the completion of the work or improvement to the satisfaction of said Board, or to the satisfaction of the Supervisors on appeal, said Board shall make an assessment to pay the expense thereof according to the method established by said resolution. Board may establish method of assessment.

SEC. 11. In making all assessments the Board of Public Works shall act as a Board, and the assessment shall be authenticated by the signatures of all the members thereof. Assessments authenticated.

SEC. 12. To said assessment shall be attached a warrant which shall be signed by the President of the Board of Public Works and countersigned by the Secretary thereof. Said warrant shall be substantially in the following form: Warrant attached to assessment.

By virtue hereof the Board of Public Works of the City and County of San Francisco, by the authority vested in it, does authorize and empower (name of contractor) his (or Form of warrant for street work.

Street improvement.

their) agents, or assigns, to demand and receive the several assessments upon the assessment and diagram hereto attached, and this shall be his (or their) warrant for the same.

(Date)———. (Name of President of Board of Public Works).

Countersigned by (Name of Secretary of Board of Public Works).

Must be recorded.

Said warrant, assessment and diagram shall be recorded in the office of the Board. When so recorded the several amounts assessed shall be a lien upon the lands, lots, or portions of lots assessed, respectively for the period of two years from the date of said recording, unless sooner discharged; and from and after the date of said recording of any warrant, assessment and diagram, all persons interested in said assessment shall be deemed to have notice of the contents of the record thereof.

Lien for 2 years.

Contractor may collect assessments.

After said warrant, assessment and diagram are recorded, the same shall be delivered to the contractor, or his agent or assigns, on demand, but not until after the payment to the Board of the incidental expenses not previously paid by the contractor or his assigns. By virtue of said warrant said contractor, or his agents or assigns, shall be authorized to demand and receive the amount of the several assessments made to cover the sum due for the work specified in such contracts and assessments.

Defective assessments or warrants.

When it shall appear by the final judgment of any court in this State having jurisdiction to render such judgment, that any suit brought to foreclose the lien of any assessment for street work made under this Chapter, or in the recording thereof, has been defeated by reason of any defect, error, informality, omission, irregularity, or illegality, thereof or therein, or in the return on the warrant issued pursuant to any such assessment, or in the recording of any such warrant, any person interested therein may, at any time within seven months after the entry of said final judgment, apply to the Board for another assessment to be issued in conformity to law; and the Board shall, within sixty days after the time of said application, make and deliver to said applicant a new assessment, diagram and warrant in accordance with law, and sign, record and authenticate the same as above provided. Such assessment shall be a lien upon the lots of land set out therein for the period of two years from the date of its recording, and suit may be brought to enforce said lien as provided in this Chapter. Should such final judgment be that of the Superior Court for the City and County and an appeal therefrom to the Supreme Court of the State has been taken, no such other assessment shall be made until said appeal has been determined.

New assessment.

Lien.

Appeal.

Street improvement.

SEC. 13. The contractor or his assigns, or some person on his or their behalf, shall call upon the persons assessed, or their agents, if they can conveniently be found, and demand payment of the amount assessed to each. If any payment be made, the contractor, his assigns, or some person on his or their behalf, shall receipt the same upon the assessment in the presence of the person making such payment, and shall also give a receipt if demanded. When the persons so assessed, or their agents, cannot conveniently be found or when the owner of the lot is stated as "unknown" upon the assessment, then said contractor or his assigns, or some person on his or their behalf, shall publicly demand payment on the premises assessed.

Contractor must demand payment of lawful assessments.

Warrant to be returned.

The warrant shall be returned to the Board of Public Works within thirty days after its date with a return indorsed thereon, signed by the contractor or his assigns, or some person on his or their behalf, verified upon oath, stating the nature and character of the demand, and whether any of the assessments remain unpaid in whole or in part, and the amount thereof. Thereupon the Secretary of the Board shall record the return so made in the margin of the record of the warrant and assessment.

Payment may be made before suit.

The Board can at any time receive the amount due upon any assessment and warrant issued by it and give a good and sufficient discharge therefor; but no such payment so made after suit has been commenced shall operate, without the consent of the plaintiff in the action, as a complete discharge of the lien until the costs in the action shall be refunded to the plaintiff.

Release of assessment upon payment.

The Board may release any assessment upon the books of its office on the payment to it of the amount of the assessment with interest against any lot or on the production to it of the receipt of the party or his assigns to whom the assessment and warrant were issued. If any contractor shall fail to return his warrant within the time and in the form provided in this section he shall thenceforth have no lien upon the property assessed; but if any warrant is lost, upon proof of such loss a duplicate may be issued, upon which a return may be made with the same effect as if the original had been so returned. After the return of the assessment and warrant as aforesaid, all amounts remaining due thereon shall draw interest at the rate of seven per centum per annum until paid.

Failure to return warrant.

Unpaid assessments draw interest.

Appeal to Supervisors from decision of Board.

SEC. 14. The owners, whether named in the assessment or not, the contractor or his assigns, and all other persons directly interested in any work provided for in this Chapter, or in the assessment, feeling aggrieved by any act or determination of the Board of Public Works in relation thereto,

Street improvement. Appeal. Hearing. or who claim that the work has not been performed according to the contract in a good and substantial manner, or having or making any objection to the correctness or legality of the assessment or other act, determination, or proceedings of the Board, shall, within thirty days after the date of the warrant, appeal to the Supervisors, by briefly stating their objections in writing and filing the same with the Clerk of the Supervisors. Notice of the time and place of the hearing, briefly referring to the work contracted to be done, or other subject of appeal, and to the acts, determinations or proceedings objected to or complained of, shall be published for five days. Upon such appeal the Supervisors may remedy and correct any error or informality in the proceedings, and revise and correct any of the acts or determinations of the Board relative to said work, may confirm, amend, set aside, alter, modify or correct the assessment in such manner as to them shall seem just; and require the work to be completed according to the directions of the Supervisors, and may at their option direct the Board of Public Works to correct the warrant, assessment or diagram in any particular, or to make and issue a new warrant, assessment and diagram to conform to the decisions of the Supervisors in relation thereto.

Supervisors may remedy errors.

Supervisors' decision final. All the decisions and determinations of the Supervisors, upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to appeal under the provisions of this section, as to all errors, informalities and irregularities, which the Supervisors might have remedied and avoided; and no assessment shall be held invalid, except upon appeal to the Supervisors, as provided in this section, for any error, informality or other defect in the proceedings prior to the assessment, or in the assessment itself, where the Board of Public Works has acquired jurisdiction to make the same.

When contractor may sue for unpaid assessments. SEC. 15. At any time after the period of thirty-five days from the day of the date of the warrant, or if an appeal has been taken to the Supervisors, then, at any time after five days from the decision of the Supervisors on such appeal, or after the return on the warrant, after the same may have been corrected, altered or modified, as herein provided, but not less than within thirty-five days from the date of the warrant, the contractor or his assignee may sue in his own name the owner or the mortgagee of the land, lots, or portions of lots assessed on the day of the date of the recording of the warrant, assessment and diagram, or any day thereafter during the continuance of the lien of said assessment, and recover the amount of any assessment remaining unpaid, with interest thereon at the rate of seven per centum per annum until paid.

In all cases of recovery under the provisions of this Chapter the plaintiff shall recover the sum of fifteen dollars in addition to the taxable costs, as attorney's fees, but not any percentage upon said recovery. When suit has been brought, after a personal demand has been made and a refusal to pay such assessment so demanded, the plaintiff shall also be entitled to have and recover said sum of fifteen dollars as attorney's fees in addition to all taxable costs, notwithstanding that the suit may be settled or a tender be made before a recovery in said action, and he may have judgment therefor.

Street improvement

Attorney's fees for recovery of assessment

Said warrant, assessment and diagram, with the affidavit of demand and non-payment, shall be held prima facie evidence of the regularity and correctness of the assessment and of the prior proceedings and acts of the Board of Public Works and of the Supervisors upon which said warrant, assessment and diagram are based, and like evidence of the right of the plaintiff to recover in the action. The Court in which said suit shall be commenced shall have power to adjudge and decree a lien against the lots of land assessed, and to order such premises to be sold on execution as in other cases of the sale of real estate by the process of said Courts. In all actions brought to enforce the lien of assessments made pursuant to the provisions of this Chapter the proceedings therein shall be governed and regulated by the provisions of this Chapter, and, when not in conflict herewith, by the Codes of this State.

Warrant is prima facie evidence of regularity.

Lien and execution.

SEC. 16. When any portion of the roadway of any street, avenue, lane, alley, court or place, or any portion of any sidewalk, in the City and County, none of which has been accepted by the Supervisors as in this Chapter provided, shall be so out of repair as to endanger persons or property passing thereon, or so as to interfere with the public convenience in the use thereof, the Board of Public Works shall require the owners or occupants of lots or portions of lots fronting on said portion of said street, avenue, alley, lane, court or place, by a notice in writing, to be delivered to them or their agents personally, to repair forthwith said portion of said street, avenue, lane, alley, court or place, to the centre line thereof, in front of the property of which he is the owner or tenant, or occupant. The Board shall particularly specify in said notice what work is required to be done and what material shall be used in said repairs. If said repairs be not begun within five days after notice given as aforesaid, and diligently and without interruption prosecuted to completion, the Board may make such repairs, or enter into a contract with any suitable person, at the expense of the owner, tenant, or occupant,

Repairs to streets not yet accepted must be done by owners.

If not done, Board may do so.

Street improvement. Bids for repairs.

after the specifications for the doing of said work shall have been conspicuously posted by it in its office for three days, inviting bids for the doing of said work. Said bids shall be delivered to it at its office on or before the second day after the completion of said posting, and opened by it on the next day following; whereupon the contract shall be awarded to the lowest responsible bidder.

Owners liable for amount.

All of said bids shall be preserved in the office of the Board, and shall be open at all times after the letting of the contract to the inspection of all persons; and such owner, tenant, or occupant, shall be liable to pay said contract price. Such work shall be commenced within twenty-four hours after the contract shall have been signed, and completed without delay to the satisfaction of the Board. Upon the completion of such repairs by the contractor as aforesaid to the satisfaction of the Board, it shall make and deliver to the contractor a certificate to the effect that such repairs have been properly made by said contractor to the grade, and that the charges for the same are reasonable and just, and that the Board of Public Works has accepted the same.

Certificate of the Board upon completion.

Contractor may sue for amount due on repairs.

SEC. 17. If the expense of the work and material for the repairs provided for in the last preceding section be not paid on demand to the contractor so employed, or his agent or assignee, said contractor, or his assignee, shall have the right to sue such owner, tenant, or occupant for the amount contracted to be paid; and the certificate provided for in said section shall be prima facie evidence of the amount claimed for said work and materials, and of the right of the contractor to recover for the same in such action. Said certificate shall be recorded by the Board of Public Works in a book kept by it in the office for that purpose, properly indexed, and the sum contracted to be paid shall be a lien as in case of other assessments provided for in this Chapter.

Supervisors may prescribe further penalties.

SEC. 18. In addition to the remedies above given the Supervisors may prescribe the penalties that shall be incurred by any owner or person neglecting or refusing to make repairs when required, as hereinbefore provided. Such penalties shall be enforced for the use of the City and County by prosecution in the name of the People of the State of California in the Court having jurisdiction thereof, and may be applied in the case of fines, to the payment of expense of any such repairs not otherwise provided for.

"Owner" of property defined.

SEC. 19. The person owning the fee, or the mortgagee of such fee, or the person who, on the day the action is commenced, appears by deed duly recorded in the County Recorder's office of the City and County, to have the legal title to the land, or the person in possession of lands, lots,

portion of lots or buildings under claim, or exercising acts of ownership over the same for himself, or as executor, administrator or guardian of the owner, shall be regarded, treated and deemed to be the "owner" for all the purposes of this Chapter. And in case of property leased, the possession of the tenant or lessee holding and occupying under such persons shall be deemed to be the possession of such owner. Street improvement. Lessee may pay.

SEC. 20. Any tenant or lessee of any lot of land on which has been imposed an assessment under the provisions of this Chapter may pay said assessment, or he may discharge any liability imposed thereon by virtue of the provisions of this Chapter, or he may redeem the property within the time prescribed by law, if legally sold on execution, and may deduct the amount so paid from the rents due and to become due from him; and he shall have a lien upon, and may retain possession of, said lots until the amount so paid and advanced, with legal interest thereon, be satisfied from accruing rents or by payment by the owner. Lessee may deduct payment from rent.

SEC. 21. The records kept by the Board of Public Works shall have the same force and effect as other public records, and duly certified copies therefrom may be used in evidence with the same effect as the originals. Said records shall, during all office hours, be open, free of charge, to the inspection of any citizen wishing to examine them. Records of Board open to inspection.

SEC. 22. Notices in writing required to be given by the Board may be served by any person over the age of twenty-one years, and the fact of such service may be verified by the oath of the person making it. Such oath may be taken before the Secretary of said Board or before any member thereof. Service of notices.

SEC. 23. When any street or portion of a street has been or shall hereafter be fully constructed to the satisfaction of the Board of Public Works and of the Supervisors, and is in good condition throughout, and a sewer, gas pipes, and water pipes are properly laid therein, the same shall be accepted by the Supervisors by ordinance; and thereafter such street or portion of a street shall be kept in repair and improved by the City and County. The Supervisors shall not accept any portion of a street less than the entire width of the roadway including the curbing, and one block in length, or one entire crossing; but they may partly or conditionally accept any street, without a sewer or gas pipes or water pipes therein, if the ordinance of acceptance expressly states that they deem such sewer, or gas pipes or water pipes to be then unnecessary. In such case the lots of land previously or at any time assessable for the cost of constructing a sewer shall remain and be assessable for such Accepted streets. City to keep in repair.

Street improvement.

cost and for the cost of repairs and restoration of the street damaged in said construction, whenever the Supervisors shall deem a sewer to be necessary and shall order it to be constructed. The Board of Public Works shall keep in its office a register of all streets accepted by the Supervisors under this section, which register shall be indexed for easy reference thereto.

Register of accepted streets.

Board may recommend paving.

SEC. 24. The Board of Public Works may at any time, without any application therefor, recommend to the Supervisors to order the paving or macadamizing of the portion of any street required by law to be paved or macadamized by the person, company or corporation having railroad tracks thereon. Upon such recommendation the Supervisors shall by ordinance order said work to be done and direct said Board to notify said person, company, or corporation of the fact of the passage of such ordinance.

Notice of passage of ordinance of Supervisors.

The Secretary of said Board shall thereupon forthwith in writing notify said person, company or corporation of the passage of said ordinance; and if said person, company or corporation shall not within ten days after receiving said notice commence in good faith to do said work and prosecute the same diligently to completion, the Board shall invite sealed proposals for doing said work in the manner provided in this Article; and all the provisions of this Article in regard to such proposals, to the awarding of contracts, to the execution of contracts, and to the doing of public work, shall apply to all similar proceedings taken under this section. On the completion of the work to the satisfaction of the Board the contractor shall be entitled to recover from such person, company or corporation the contract price for the expense of said work, together with incidental expenses, in an action instituted in a Court of competent jurisdiction. On the trial of such action, the certificate of the Board of the completion of said work to its satisfaction shall be prima facie evidence of the regularity of all the proceedings prior thereto and of plaintiff's right to recover in said action.

Proposals for paving.

Completion of work.

Certificate is prima facie evidence.

Full width of street.

SEC. 25. Except as otherwise in this Chapter specifically provided, no ordinance for the improvement of any street other than for sewers, sidewalks and curbs, except for the improvement of the streets constituting or lying along the water front of the City and County, and except for such work as is provided for in the next preceding section, shall be passed by the Supervisors without extending said improvement throughout the whole width of such street.

"Street" defined.

SEC. 26. Whenever in this Article the word "street" occurs, it shall be held to include all streets, lanes, alleys,

places and courts which have been, or may be hereafter, dedicated and open to public use, and whose grade and width have been legally established; and the grade of all intermediate or intersecting streets in any one block shall be deemed to conform to the grades as established at the crossings of the main streets. Street improvement.

The word "improvement" shall be held to include grading, paving, planking, macadamizing, piling and capping; and the construction and repairs of sewers, cess-pools, manholes, culverts, drains, sidewalks and curbs. "Improvement" defined.

The term "main street" shall mean such street or streets as bound a block, and the term "street" shall include crossing. "Main street" defined.

The word "block" shall mean the blocks known or designated as such upon the maps and books of the Assessor. "Block" defined.

The term "quarter block," as used in this Chapter as to irregular blocks, shall be deemed to include all lots or portions of lots, having any frontage on either intersecting street half way from such intersection to the next main street, or, when no main street intervenes, all the way to a boundary line of the City and County. "Quarter block" defined.

The word "paved" shall include any pavement of stone, iron, wood, or other material which the Supervisors may by ordinance order to be used; but no patented pavement shall be ordered during the existence of the patent therefor, until the owner of such patent shall have transferred to the City and County all right to the use of the same therein, with the privilege to any person to manufacture and lay the same upon its streets under any contract that may be awarded to him, or entered into by him with the City and County. "Paved" defined. Patent pavements.

The term "expense" shall include the price at which the contract was awarded, and the term "incidental expenses" shall include all expenses incurred in printing and advertising the work contracted for, and all expenses for surveying, measuring and inspecting the work. "Expense" and "incidental expenses" defined.

All notices and resolutions required in this Article to be published shall be published daily, legal holidays excepted, in the official newspaper. Daily publication.

All notices herein required to be served, whether by delivery, mailing or posting, may be so served by any male citizen of the age of twenty-one years, and his affidavit thereof shall be prima facie evidence of such service. The affidavit by the publisher of the official newspaper, or his clerk, of the publication of any notice required in this Article to be published, shall be prima facie evidence of such publication. Service of notices. Publication of notices.

SEC. 27. When the owners of all the lands fronting upon

Street improvement.

Closing of streets.

Procedure.

Hearing.

Recommendation.

Ordinance.

any street which is less than forty feet in width, for the entire distance of said street, or for the distance of one or more entire blocks, shall petition the Board of Public Works that the said street, or that portion thereof upon which said lands front, be closed, the Board may pass a resolution recommending that the same be closed. Before passing such resolution the Board shall cause a notice of the application to be published in the official newspaper, and shall fix a time and place at which it will consider the same and hear objections thereto. Upon such hearing it shall determine whether it will recommend that the street be closed; and if it shall so determine, it shall transmit such recommendation to the Supervisors. Thereupon the Supervisors may pass an ordinance that the street be closed; and the same shall not thereafter be, or be deemed to be, a public street, or subject to any public expense or improvement; and the land theretofore included within the roadway and sidewalks of said street shall thereafter be the property of the City and County. No such ordinance shall be passed until the petitioners shall have paid all the expenses of said proceedings.

New streets and subdivisions.

Approval of bond.

Recorded.

SEC. 28. In all cases where lands in the City and County shall be hereafter sub-divided and laid out into blocks or plats, sub-lots, streets and alleys, or when new streets or public grounds shall be laid out, opened, donated or granted to the public by any proprietor, the map or plat thereof shall be submitted to the Board of Public Works for its approval, and if the Board approve the same, such approval shall be by it indorsed upon the said map or plat, and said map with said approval shall then be filed in the office of the Recorder; and without such approval indorsed thereon no such map or plat shall be filed in the office of the Recorder, or have any validity; nor shall any street, alley, or public ground hereafter opened and dedicated as such, become or be a public street or be subject to any public improvement or expense without such approval, indorsement and record. No street hereafter laid out shall be approved or become a public street unless the same shall be at least forty feet in width and two hundred feet distant from any parallel street.

Minimum width.

Cleaning and sprinkling streets.

Districts.

SEC. 29. The Board shall annually invite proposals for cleaning and sprinkling such of the streets of the City and County as the Board shall determine should be cleaned and sprinkled at the public expense. Before causing notice for such proposals to be published the Board shall divide the City and County into such number of districts as in its judgment will best induce competition for bids, and secure the cleaning and sprinkling of the streets at the lowest cost.

Street improvement.

The Secretary of the Board shall, under its direction, on the first Monday in May of each year, cause to be published for a period of ten days a notice inviting proposals for cleaning and sprinkling each of said districts, specifying in said notice the streets of each district which are to be cleaned and sprinkled, the number of times a week that they are to be cleaned and sprinkled, and the amount of security to be given with each contract. Bids shall be made for each district separately. All the provisions of this Article in relation to the making and opening of bids, awarding of contracts and entering into and performance of contracts, shall be applicable to said contracts.

Inviting proposals for cleaning and sprinkling.

Cleaning and sprinkling separately.

The Board may, at the time it invites proposals for said cleaning and for said sprinkling, also invite proposals for said cleaning separately and for said sprinkling separately, and may award such contracts accordingly as may be for the best interest of the City and County.

Sweeping machines.

Preference to handsweeping.

The Board may also, with the consent of the Supervisors expressed by ordinance, purchase one or more machines for sweeping the streets, and may enter into contracts for sweeping the streets with said machines; but the Board must give the preference to handsweeping so far as it can do so with reference to the proper sweeping of the streets and to the funds at its disposal.

Urgent repairs.

Contract over $500 repairs.

SEC. 30. The Board shall cause to be made all urgent repairs upon the public streets that may from time to time be requisite for the public safety, and for that purpose may employ such laborers as may be necessary, and at such wages as may be from time to time fixed by the Board; but when the expense of the repairs upon any street or portion of a street shall exceed the sum of five hundred dollars, exclusive of materials to be furnished from the Corporation Store Yard, the same shall be done under contract awarded in the manner provided in this Article.

Contracts for materials.

SEC. 31. The Board shall, from time to time, after it shall have been directed so to do by the Supervisors by ordinance, invite proposals for supplying to the City and County such materials as may be required for the repair of the public streets or for any improvement thereof, and such proceedings shall be had in awarding the contracts therefor as are in this Article provided for awarding other contracts.

Corporation Store Yard.

Storekeeper.

SEC. 32. The Supervisors shall select some place in the City and County which shall be known as the Corporation Store Yard, wherein shall be kept all supplies, material, implements and machines belonging to the City and County, to be used in repairing or cleaning and sprinkling the streets or for any improvement thereon. The Board of Public Works shall appoint a Storekeeper for said Yard who shall hold

Corporation Store Yard. Storekeeper Duties. Liabilities. Delivery of articles. Old paving materials.

his office during its pleasure. He shall have the custody of said Yard and of all the supplies, material and implements therein, and shall keep books of account in which shall be kept a systematic account of all purchases, and of the receipt of supplies and material under any contracts awarded under the provisions of the preceding section, and of the delivery thereof, which books shall at all times show the amount of said material and supplies on hand and in store, and when, to whom, and for what purpose each article was delivered. He shall be responsible for all material and supplies in said Yard, and shall not deliver any article except upon the written order or requisition of the President and Secretary of the Board of Public Works, and he shall take the written receipt, indorsed upon said order, of each person to whom any delivery is made, specifying the date of such delivery and the amount and kind of material and supplies delivered. For any deficiency in his accounts or for the delivery of any article without such order or requisition and receipt, he shall be liable upon his official bond. All cobble stones, or stone blocks or other material with which any street or portion of a street may have been paved or planked shall, if at any time removed from said street, be taken to said Yard, and there kept, accounted for and disposed of by the Storekeeper in the same manner as other supplies.

CHAPTER III.

OPENING, STRAIGHTENING, WIDENING, EXTENDING AND CHANGING THE GRADE OF STREETS.

Majority petition to open streets, etc. Board make estimate of expense. Deposit of amount.

SECTION 1. When an application shall be made to the Board of Public Works for the straightening, widening or extending of any street, or for the laying out, establishing or opening of a new street, signed by the owners of a majority of the frontage of the lands upon the line of said street, or proposed street, and such improvement requires the condemnation of private property, and the Board shall by resolution determine that the improvement would be of public benefit, it shall make an estimate of the expense of such improvement, and determine by resolution the district which will be affected by, and should be assessed for, the expense of such improvement. No proceedings shall be had upon the filing of such petition until after the persons signing the same shall have deposited with the Secretary of the Board an amount of money which, as may be determined by the Board, will be sufficient to defray all the expense that may be incurred in case the Supervisors shall not pass an ordinance for said improvement.

SEC. 2. If within three months after the passage of the resolution determining such district, a majority of the owners of the land within said district who shall also be the owners of two-thirds of the superficial square feet of the property included within said district, and of three-fourths in value of said property—including improvements thereon —estimating said value according to the last preceding Assessment Book of the City and County, shall present to the Board a petition for said improvement, verified by their oaths and describing the lands of which they are the owners, and showing the amount at which the same was assessed upon the last preceding Assessment Book of the City and County, and stating that they are the owners and in possession of the lands named in said petition, the Board shall pass a resolution of its intention to recommend such improvement to the Supervisors, and shall in such resolution specify a day upon which it will hear any objections that may be made to such improvement. Petition for street improvement. Resolution of intention.

Before passing such resolution of intention, the Board shall cause to be prepared a map or diagram of the district affected by and to be assessed for the expense of such improvement, upon which shall be delineated the several lots of land upon which said assessment is to be levied, and also the lots of land which are to be taken for such improvement, and showing the name of the person to whom the said lots were assessed upon the last Assessment Book of the City and County, together with the amounts of such assessments. Map of district affected.

SEC. 3. The Secretary of the Board shall thereupon cause said resolution of intention to be published for a period of thirty days, non-judicial days excepted, and shall also cause a copy of said resolution to be deposited, postage prepaid, in the Post Office at the City and County, addressed to each person whose name is delineated upon said map, at least ten days before the day named for hearing objections thereto. Publication of resolution of intention.

SEC. 4. At any time before the day fixed in such resolution for hearing objections to such improvement, any person interested therein may file with the Secretary of the Board his objections thereto, briefly stating the grounds thereof and the nature of his interest; and upon the day fixed for hearing the same, or some day to which the hearing thereof shall then be postponed, the Board shall proceed to hear and determine the sufficiency of any objections which may have been filed. Objections may be filed. Hearing.

SEC. 5. If the Board shall determine that such objections are sufficient to prevent a recommendation of the improvement, it shall pass a resolution to that effect, and no Sufficiency of objections.

further proceedings shall be had under said petition. If no objections have been filed, or if the Board shall determine that the objections filed are insufficient, it may pass a resolution recommending to the Supervisors said improvement, and in its recommendation shall specially report to the Supervisors whether in its opinion the land within the district specified as affected by said improvement will be benefited to the extent of the expense of said improvement.

Recommendation of street improvement.

Resolution of intention transmitted to Supervisors.

SEC. 6. If the Board shall pass a resolution recommending said improvement, the Secretary shall forthwith transmit to the Clerk of the Supervisors a copy of said resolution, together with the petition, map, estimate of the expense of said improvement, and any objections that may have been filed; and the Supervisors shall at their first regular meeting thereafter, or at any meeting to which said hearing may have been adjourned, pass upon said recommendation, and may by resolution adopt or reject the same. If said recommendation is rejected no further action shall be had thereon or upon said petition. If the Supervisors shall adopt said recommendation, they shall within thirty days thereafter pass an ordinance providing for said improvement, and may in said ordinance prescribe such rules for the conduct of the Board of Public Works respecting the assessment and valuation to be made by said Board and providing for the condemnation of said lands, and the collection of said assessment, in addition to, and not inconsistent with, the rules herein prescribed, as to said Supervisors shall seem expedient. Upon the passage of said ordinance the Clerk of the Supervisors shall transmit a certified copy thereof to the Board of Public Works.

Ordinance for the improvement.

Survey of improvement.

SEC. 7. Upon the receipt by the Board of a certified copy of said ordinance the Board shall cause to be made an accurate survey of the contemplated improvement, and a map thereof, upon which shall be delineated each and every lot of land to be taken or appropriated for the purposes of the intended improvement, showing its extent in feet and inches, and also each and every lot of land within the district determined to be affected by, and which is to be assessed for, the cost and expense of said improvement. After said survey and map are made, the Board shall pass a resolution fixing a day on or after which it will proceed to value the several lots of land to be taken for the purpose of the intended improvement, and ascertain and determine the damages and benefits which may result therefrom.

Valuation of lots taken.

Publication.

The Secretary of the Board shall cause said resolution to be published for a period of ten days before the day fixed in said resolution for proceeding to make said valuation.

In estimating the damage to any lot by reason of any

portion of said lot having been taken for public use, as herein provided, the measure of damage to said lot shall be the difference at the time of said appropriation between the value of said lot in its entirety and its value as reduced in size by the appropriation of a part thereof to said public use. The expense of the improvement shall include the value of the land taken, with the improvements, if any, thereon, and the expense of the proceedings for its appropriation or condemnation. Measure of damages.

SEC. 8. On the day named in said notice and upon such other days as the matter may be continued to, from time to time, the Board shall proceed to value the several parcels of land necessary to be taken for the purpose of the intended improvement. Such value shall be ascertained as of the time of said inquiry, independently of any appreciation or depreciation that may be caused to the same by reason of such intended improvement, and the Board shall fix such valuation as the amount to be given to the owners therefor. The Board shall also assess the benefits and damages which may result from the contemplated improvement of the lands within said district, and shall distribute the total value of all the lands and improvements taken, together with the damages, if any, caused by said improvement to the adjacent lands, and the estimated cost and expense of said improvement, in the form of an assessment upon each and every lot of land within the district determined to be affected by said improvement in proportion to the benefits which the Board shall determine will be received by said lots and lands. Board to determine value of lots to be taken. Benefits and damages. Assessment.

SEC. 9. The meetings of the Board, when engaged in making said valuation and assessment, shall be public and held at the office of the Board, and all persons interested in such valuation and assessment shall have the right to be present and be heard in person or by counsel. All persons claiming any interest in the lands to be taken for said improvement, or that will be damaged thereby, are required at or during such hearing, to file with the Board, plats, and a description of their respective lots of land. Meetings to be public.

SEC. 10. In making said assessment and valuation the Commissioners shall act as a Board, and said assessment and valuation shall be authenticated by the signatures of said Commissioners, and every assessment and valuation so authenticated and recorded in the Book of Assessments for Condemnation shall be *prima facie* evidence of the correctness and regularity of all the proceedings of said Board and of the Supervisors prior to the date of such record. Authenticated valuation prima facie evidence.

SEC. 11. In determining the valuation of the property which is taken for said improvement the Board shall in its

Procedure in determining values.

report set forth, under appropriate headings, a brief description of each lot thereof, the amount allowed for the same, the name of the owner of each lot, when known (and if unknown, that fact shall be stated), and the name of any claimant thereto, or to any interest therein; and in making the assessment for the expense of said improvement the Board shall set forth in the assessment, under appropriate headings, a brief description of each lot assessed, the amount assessed against the same, the person to whom said property was assessed upon the next preceding Assessment Book of the City and County, the owner thereof, if known (and if unknown, that fact shall be stated), and the total amount of the expense of said improvement.

Publication and notice of valuation and assessment

SEC. 12. Upon the completion of said valuation and assessment, the Board shall cause to be published for ten days a notice of the completion of said assessment and valuation, notifying all parties therein to examine the same; and for that purpose said assessment, valuation and map shall be open and exhibited to public inspection at the office of the Board for thirty days after the first publication of said notice. During said period of thirty days, but not thereafter, the Board may alter, change or modify said assessment. Upon the expiration of said thirty days it shall complete the same in the form of a report and schedule, embracing the value of the lands taken and the assessment of said value, together with the expense of the improvement, as hereinbefore provided, upon the several lots of land embraced within the aforesaid district. Said report and schedule shall, within sixty days after the first publication of the last mentioned notice, be filed in the office of the County Clerk, together with a petition signed by the President of said Board, to the Superior Court, praying for a judgment of said Court confirming the assessment contained therein against the respective lots therein described as assessed, and for the condemnation and conveyance to the City and County, upon the payment of the value thereof as ascertained by said report, of each of the lots of land alleged in said petition to be necessary to be taken for said improvement.

Report of Board.

Filed with County Clerk.

Condemnation proceedings.

Hearing of objections by Court.

SEC. 13. On filing such petition, and upon application to said Court, the Presiding Judge thereof shall appoint some day, not less than ten nor more than thirty days thereafter, as the time when any objections to the confirmation of said report will be heard by said Court. The Clerk of said Court shall thereupon cause to be published for ten days in the official newspaper, a notice of the filing of said report and of the day assigned for the hearing of any objections that may be made thereto. Any party interested therein may at any time before the day assigned for the hearing thereof

file in said Court his objections in writing to the confirmation of the same, specifying his objections; and all objections not specified shall be deemed waived. Upon the day fixed in said order said Court shall proceed to the hearing of any objections that may have been filed to the confirmation of said report. Upon proof of publication of said notice said Court shall have and take jurisdiction of said report and of the subject matter thereof as a special proceeding; and upon said day and at any other time or times to which said hearing may be adjourned may hear the allegations of the parties and proofs adduced in support of the same, and may confirm said report, or change, alter or modify the same, or cause the same to be changed, altered or modified by said Board. Said judgment of confirmation shall be a lien upon each lot of land described in said report for the amount assessed against the same, and shall provide for the conveyance to the City and County of each and every of the lots of land declared necessary for the purpose of said improvement, upon the payment of the value thereof as fixed by such judgment. Said lien shall remain in force until said assessment is paid or legally discharged.

Jurisdiction of Court.

Judgment of Court.

Lien upon lands.

SEC. 14. Any person who has filed objections to the confirmation of said report may appeal from said judgment to the Supreme Court at any time within thirty days after the entry of such judgment. The amount of the undertaking on such appeal shall be fixed by said Presiding Judge and such undertaking shall be made payable to the City and County. For the purposes of such appeal the judgment roll of the proceedings in the Superior Court shall consist of the report, objections, judgment and bill of exceptions, or so much thereof as may be necessary to determine said appeal. If said judgment be reversed or modified the Superior Court shall take such proceedings as will cause said assessment and valuation to be made in accordance with the decision of the Supreme Court. The City Attorney shall act as the attorney for the Board of Public Works in proceedings under this Chapter.

Appeal to Supreme Court.

Judgment roll.

Attorney of Board.

SEC. 15. After the confirmation of said report, if the time for appealing has expired, or if an appeal has been taken and the judgment appealed from has been affirmed, upon the application of the Board of Public Works the Clerk of the Superior Court shall issue a certificate to that effect to said Board; and said assessment shall then be recorded in the Book of Assessments for Condemnation kept for that purpose, and the record thereof signed by the President and Secretary of said Board. The Secretary shall then deliver to the Tax Collector the assessment so confirmed and recorded, together with said certificate of said

Confirmation of report and judgment.

Tax Collector to collect assessment or sell the lots.

Clerk, and a warrant to the Tax Collector directing him to collect the said assessment. The Tax Collector shall, if any part of said assessment is not paid within twenty days after said assessment, certificate and warrant shall have been delivered to him, give notice in the official newspaper by ten days' publication therein that he will, on a day and time certain, to be not more than ten days after the expiration of said publication, sell such of the lots of land on which the assessment thereon remains unpaid, describing each of said lots so delinquent, together with the amount of the assessment and costs due on each, and shall include as part of said costs five per centum on the amount due on each assessment so delinquent, as and for the expenses of said sale. He shall thereupon sell such lots pursuant to such notice. Redemption may be made from such sale within the time and in the manner and on the terms as on sales made under execution as provided in the Code of Civil Procedure of this State. If any amount remain in the hands of the Tax Collector as a result of the collection of said assessment beyond that necessary to make the compensation provided for in the next succeeding section, and to pay the necessary expenses of said sale, such surplus shall be paid by him proportionately to those whose land has been sold as aforesaid.

Redemption.

Disbursement of compensation in condemnation suits.

SEC. 16. Upon the report of the Tax Collector to the Supervisors that the amount of said assessment has been collected and paid into the treasury, the Supervisors shall order to be paid out of the treasury the sums fixed in said judgment as the compensation for the lands to be taken for said improvement; and upon the delivery to the Treasurer by any person entitled to receive compensation for any lot of land so taken, of a conveyance of said lot of land to the City and County, approved by the City Attorney, and a certificate from the City Attorney that such person is entitled to the compensation for the lands described in said conveyance, the Treasurer shall pay to said person the amount awarded for said lot by said judgment of condemnation, after the demand therefor has been audited by the Auditor.

Court to place Board in possession in disputed cases.

SEC. 17. If the owner of any of said lots or sub-divisions neglect or refuse for ten days to make and deliver such conveyance, or be unable by reason of incapacity to make a good and sufficient conveyance thereof to the City and County, or if the City Attorney shall certify that the title to any of said lots is in dispute or uncertain, or that there are conflicting claimants to the amount awarded as compensation therefor, or to any part thereof, a warrant upon the treasury for the payment of the amount so awarded shall be by order of the Supervisors

drawn by the President and Secretary of the Board of Public Works, together with a certificate of the Treasurer indorsed thereon that the said warrant has been registered by him and that there are funds in the treasury set apart to pay the same, shall be deposited with the County Clerk; and thereupon, upon a petition to said presiding Judge by the President of the said Board, setting forth said facts, said Judge shall issue an order ex parte directing the Sheriff to place said Board in the possession of said land.

Court to adjudicate conflicting claims.

SEC. 18. At any time thereafter any claimant to said award, or any part thereof, may file his petition in said Superior Court against all parties in interest for an adjudication of all conflicting claims to the same, or for an order that the same be paid to him, and thereupon such proceedings shall be had thereon as may be agreeable to law and equity. Upon entry of final judgment in such proceeding, the County Clerk shall, after said demand has been audited by the Auditor, collect the warrant and pay the proceeds to the person or persons named in said judgment as entitled thereto. It shall be provided in said judgment that before receiving the proceeds of said warrant said party, or some one authorized in his behalf, shall make and execute to said City and County and deliver to the County Clerk a sufficient conveyance of said lot of land. Immediately after taking possession of the land required for said street, the Board shall report that fact to the Supervisors.

Interested members must not act.

SEC. 19. If any member of the Board be interested in any of the land to be taken or assessed for such improvement, the Mayor shall appoint, for the purpose of making the said assessment and valuation only, some competent person to act as one of the Commissioners therefor, who shall possess the same qualifications as are provided for said Commissioners, and who, before entering upon his duties, shall take the oath of office required of said Commissioners, and enter into a bond for such amount as may be fixed by the Supervisors.

Mayor to appoint.

Supervisors may change grade.

SEC. 20. The Supervisors may, on the written recommendation of the Board of Public Works, change the grade of any street or street crossing in the manner and to the grade set out in such recommendation; but no grade shall be changed unless the same proceedings are taken by way of providing compensation to those who may suffer damage by such change of grade, so far as such proceedings may be applicable, as are hereinbefore provided in the matter of opening, straightening, widening and extending streets; and where such proceedings are not applicable they may be supplemented by ordinance of the Supervisors.

CHAPTER IV.

SEWERS AND DRAINAGE.

General drainage system.

SECTION 1. The Board of Public Works shall devise a general system of drainage, which shall embrace all matters relative to the thorough, systematic and effectual drainage of the City and County, and shall from time to time make to the Supervisors such recommendations upon the subject of sewerage and drainage as it may deem proper.

Powers of Board.

SEC. 2. The Board shall prescribe the location, form and material to be used in the construction, reconstruction and repairing of all public sewers, manholes, sinks, drains, cesspools, and all other appurtenances belonging to the drainage system, and of every private drain or sewer emptying into a public sewer, and determine the place and manner of the connection.

Rules and Regulations.

SEC. 3. The Board shall recommend to the Supervisors rules and regulations concerning the public and private sewers and drains in the City and County, and upon recommendation of said Board, the Supervisors are authorized to pass an ordinance establishing the same and prescribing the penalties for any violation thereof.

Permits to make connections.

SEC. 4. No person shall connect with, or open or penetrate, any public sewer or drain without first obtaining a permit in writing from said Board, and complying with the rules and regulations of the Board in reference thereto.

Recommendations by Board.

SEC. 5. The Board may also recommend to the Supervisors the construction of such canals, sewers, tunnels, ditches, drains, embankments, reservoirs, pumping works, machinery and other works necessary for the proper and effectual drainage of the City and County, together with plans for connecting the same with sewers and private drains already constructed or thereafter to be constructed.

Purchase of property

SEC. 6. The Supervisors may, upon the recommendation of the Board of Public Works, by ordinance passed by not less than fourteen affirmative votes, authorize the purchase of any personal property or the acquisition by purchase or condemnation of any real estate which may be necessary for the construction of any sewer or the making of any improvement provided for in this Chapter.

Agreement on damages

SEC. 7. The Board may, with the like approval of the Supervisors, agree with the owners of any real estate, upon which it is deemed desirable to construct any sewer or other improvement relative to sewerage or drainage, upon the amount of damage to be paid to such owners for the purpose of such improvement and for the perpetual use of said real estate for such purpose.

SEC. 8. The Board may, when authorized by ordinance of the Supervisors passed by not less than fourteen affirmative votes, construct such sewers, reservoirs and pumping works as may be necessary to carry out the general system of sewerage for the City and County. General sewer system.

SEC. 9. When, upon the recommendation of the Board of Public Works, the Supervisors shall determine upon any improvement for the purpose of sewerage and drainage which necessitates the acquisition or condemnation of private property, and the Board is unable to agree with the owner thereof, upon the amount of compensation or damages to be paid therefor, or when such owner is in any way incapable of making any agreement in reference thereto, and in all cases in which the Board shall deem it most expedient, it shall, when authorized by the Supervisors expressed by ordinance, have the right to cause said property to be condemned, and to institute proceedings for the condemnation of such property, or for the ascertainment of such damages in the manner, so far as the same may be applicable, which is provided in this Article for the condemnation of real estate when necessary for the opening of any new street. Condemnation of property. Proceedings.

CHAPTER V.

HARBORS AND WHARVES.

SECTION 1. All the Wharves, Water Front and Harbor of San Francisco which now belong or may hereafter belong to the City and County, or over which it may at any time lawfully exercise jurisdiction and control, shall be under the management and control of the Supervisors. All said wharves shall be built and repaired by the Board of Public Works, after proceedings had as provided in this Article for the improvement or repair of public buildings. Supervisors to control wharves and harbor.

SEC. 2. The Supervisors shall by ordinance fix and regulate the tolls for wharfage and dockage, and shall provide for the collection of the same, except where the wharves are under the jurisdiction of the Board of State Harbor Commissioners, or may provide that no charges, tolls, dockage or wharfage be imposed or collected. The Supervisors shall not have power to dispose of any wharf, but they may lease any wharf for a term not exceeding two years. Tolls to be regulated by ordinance.

ARTICLE VII.

PUBLIC SCHOOLS AND LIBRARIES.

CHAPTER I.

THE BOARD OF EDUCATION.

Board of Education.

Four School Directors.

Salary.

Qualifications.

How constituted.

Term.

SECTION 1. The School Department shall be under the control and management of a Board of Education composed of four School Directors, who shall be appointed by the Mayor, and who shall give their entire time to the duties of their office. They shall each receive an annual salary of three thousand dollars. They shall not be less than thirty years of age and must have been residents of the City and County for at least five years prior to their appointment. The Board shall never be so constituted as to consist of more than two members of the same political party. The term of office of the Directors shall be four years. Those first appointed shall so classify themselves by lot that they shall respectively go out of office at the expiration of one, two, three and four years.

President.

Secretary.

Salary.

SEC. 2. The Board shall organize by electing one of its number President, who shall serve for one year and until his successor is elected. The Board may elect a Secretary who shall not be a member of the Board, and who shall receive an annual salary of eighteen hundred dollars.

Meetings weekly.

Rules.

Ayes and noes.

SEC. 3. The Board shall meet at least once a week and at such other times as it may determine. It shall establish rules for its proceedings; but the concurrent vote of a majority of its members shall be necessary to transact business. In every instance where a power is exercised under this Article by the Board the vote thereon shall be taken by ayes and noes and enterd in the minutes of the Board.

CHAPTER II.

SCHOOLS.

School Dept.

SECTION 1. The School Department shall comprise all the public schools of the City and County and shall include primary and grammar schools and may include evening, deportment, technical, cosmopolitan, high and normal schools.

Night Schools.

SEC. 2. Adults shall be entitled to free instruction in the evening schools; but no child under fourteen years of age shall be admitted to such schools.

CHAPTER III.

POWERS OF THE BOARD OF EDUCATION.

SECTION 1. In addition to the powers conferred by the general laws of the State, the Board of Education shall have power: Powers of Board of Education.

1. To establish and maintain public schools as provided in this Article, and to change, modify, consolidate or discontinue the same as the public welfare may require. Establish and change schools.

2. To employ such teachers and persons as may be necessary to carry into effect its powers and duties; to fix, alter and approve their salaries and compensation, and to withhold for good and sufficient cause the whole or any part of the wages, salary or compensation of any person or persons employed as aforesaid; and to promote, transfer and dismiss teachers; but no teacher in the department at the time of the adoption of this Charter, or who shall be hereafter appointed, shall be dismissed from the department, except for insubordination, immoral or unprofessional conduct, or evident unfitness for teaching. All promotions of teachers shall be based solely on merit and successful teaching. Nothing in this section shall be construed to prevent the Board from removing teachers holding only special certificates or serving a probationary term. Charges against teachers must be formally made by the Superintendent after due investigation, and shall be finally passed upon by the Board after giving the accused teacher due hearing. Teachers. Salaries. Promotion and dismissal. Causes. Charges.

3. To grant, to renew and, for the causes mentioned in section one, subdivision two, of this Chapter, to revoke, teachers' certificates. Certificates

4. To establish and enforce all necessary rules and regulations for the government and efficiency of the schools and for carrying into effect the school system; to remedy truancy; to compel the attendance at school of children between the ages of six and fourteen years who may be found idle in public places during school hours. Rules and regulations

5. To investigate charges against any person connected with or in the employ of the School Department, and to take testimony in such investigations. Investigate charges.

6. To receive, to take on lease and to hold in trust for the City and County any real estate belonging to or claimed by the School Department. To hold in trust all personal property that may have been or may hereafter be acquired by the School Department. Hold and lease property.

7. On or before the first day in April in each year, to appoint School Census Marshals, and notify the Superintendent of Common Schools of such appointments. Any Census marshals.

Census marshals. Vacancies.

Census Marshal found incompetent may be discharged by the Superintendent of Common Schools. Should the Board fail or neglect to fill the vacancy so caused within three days thereafter by the appointment of a person competent to perform the duties of Census Marshal, such vacancy may be filled by the Superintendent of Common Schools.

Actions. City Attorney.

8. To sue in the name of the City and County for lots, lands and property belonging to or claimed by the School Department. To prosecute and defend all actions at law or special proceedings or suits in equity concerning the enjoyment and possession of such lots, lands and property. To require the services of the City Attorney in all actions, suits and proceedings by or against the Board of Education.

Disbursement of moneys. Salaries of teachers and employees. Segregation of fund.

9. To establish regulations for the disbursement of all moneys belonging to the School Department or to the Common School Fund, and to secure strict accountability in the expenditure thereof; to provide for the prompt payment, on not later than the fifth day of every month, of all salaries due and allowed officers, teachers and other employees of the School Department. For this purpose the Auditor shall annually segregate so much of the Common School Fund as shall not exceed twenty-eight dollars for each pupil in average daily attendance in the Public Schools of the City and County during the preceding fiscal year. The amount so segregated shall not be applied to the payment of any demand against such Common School Fund during any fiscal year other than for salaries, until all salaries for that fiscal year have been fully paid or provided for. The Board shall ascertain and transmit to the Auditor on or before the first Monday in April of each year an estimate of the amount required for such segregation within such limit of twenty-eight dollars.

Estimate of amount.

Demands to be filed and signed. Certificate. Warrant. Salary roll.

10. All demands payable out of the Common School Fund shall be filed with the Secretary of the Board of Education, and after they have been approved by the Board, they shall be signed by the President of the Board and the Superintendent and sent to the Auditor. Every demand shall have endorsed upon it a certificate, signed by the Secretary, of its approval by the Board of Education, showing the date thereof, and the law authorizing it by title, date and section. Every person in the employ of the School Department entitled to a salary therefrom shall receive a warrant for the amount due and approved by the Board, signed by the President and Secretary thereof. The entire monthly salary roll of the Department shall be made up by the Secretary of the Board, and after being duly audited by the Finance Committee thereof and approved

by a majority of all the members of the Board, shall be endorsed in the same manner as other demands. The salary roll so audited, approved and endorsed, shall be immediately transmitted to the Auditor not later than the third day of every month for comparison with the individual salary warrants issued in the manner above provided; but payment shall be made only on the individual warrants issued in accordance herewith. Salary roll.

11. To lease to the highest responsible bidder, for the benefit of the Common School Fund, for a term not exceeding twenty years, any real property of the school department not required for school purposes; but no lease shall be made except after advertisement for bids for at least fifteen days in the official newspaper and by an affirmative vote of at least three members of the Board approved by an ordinance of the Supervisors. Lease of real property.

12. To receive and manage property or money acquired by bequest or donation in trust for the benefit of any school, educational purpose or school library; to carry into effect the terms of any bequest not in conflict with the general laws or this Charter; and to sell such personal property as shall no longer be required for use in the schools. All moneys realized by such sales shall be at once paid into the treasury to the credit of the Common School Fund. Trust funds.

SEC. 2. The Board shall annually, before the first day of May, make a list of supplies estimated to be required by the School Department for the ensuing fiscal year, stating in clear and explicit terms the quantity and kind of articles needed and how and when they shall be delivered, and shall invite proposals for furnishing the same by advertising therefor for at least ten days in the official newspaper. Proposals for supplies.

The provisions of Article II, Chapter III, of this Charter, in regard to the advertising for proposals, the affidavit and security accompanying the same, the presentation and opening of proposals, the awarding of contracts and the security for the performance thereof, shall, so far as the same can be made applicable, apply to all proposals and contracts made, awarded or entered into for furnishing supplies to the School Department. Any contract made in violation of any provision of this Article shall be void. Provisions governing proposals.

SEC. 3. The Board shall, during each year, transmit to the Supervisors a report in writing for the preceding fiscal year, stating the number of schools within its jurisdiction, the length of time they have been kept open, the number of pupils taught in each school, the average daily attendance of pupils in all the public schools, the number, names and salaries of teachers, the dates of their appointments Annual report to Supervisors.

Annual report.

and the character of the certificates held by them, the amount of money drawn from the treasury by the Department during the year, distinguishing the State fund from all others, the purpose for which such money has been expended, with particulars, and such other information as may be required by the State Superintendent, the Supervisors or the Mayor.

Schedule of salaries.

SEC. 4. The Board shall, between the first and twenty-first days of May of each year, adopt a schedule of salaries for the next ensuing fiscal year for teachers and all employees of the School Department.

CHAPTER IV.

SUPERINTENDENT OF SCHOOLS.

Sup't of Schools.

SECTION 1. The Superintendent of Common Schools of the City and County shall be by virtue of his office a member of the Board of Education, without the right to vote.

Salary.

He shall receive an annual salary of four thousand dollars.

Four Deputy Superintendents.

SEC. 2. The Superintendent shall appoint four Deputy Superintendents. The number of such deputies shall not be increased until the average daily attendance shall have reached forty-five thousand, when the Superintendent shall appoint one additional deputy, and thereafter he shall appoint one deputy for each additional eight thousand children in average daily attendance. If from any cause a vacancy occurs in the office of Deputy Superintendent, such vacancy shall be filled by the Superintendent.

Additional deputies.

Term of deputies.

SEC. 3. Of the Deputy Superintendents first appointed, the Superintendent shall appoint two for two years and two for four years. All Deputy Superintendents subsequently appointed shall hold office for four years.

Qualifications of deputies.

SEC. 4. Such deputies must have had at least ten years' successful experience as teachers, and shall have been residents of the City and County at least five years preceding their appointment.

Duties of Superintendent.

SEC. 5. In addition to the duties imposed by the general laws of the State, it shall be the duty of the Superintendent:

Enforce rules.

1. To observe and enforce all rules and regulations of the Board of Education and to see that no religious or sectarian books or teachings are allowed in the schools.

Annual report to Board.

2. To report to the Board of Education annually, on or before the twentieth day of August, and at such other times as the Board may require, all matters pertaining to the condition and progress of the public schools of the City and County during the fiscal year, with such recommendations as he may deem proper.

3. To inform the Board of the condition of the schools, schoolhouses and of other matters connected therewith, and to recommend such measures as he may deem necessary for the advancement of education in the City and County, and for the care and improvement of the property of the School Department. Duties of Superintendent.

4. To visit and examine with the assistance of his deputies all the schools at least twice a year and determine their standing and classification. To recommend rules for the promotion of pupils from grade to grade, from school to school, and for the transfer and the graduation of pupils. Visit all schools.

5. To recommend to the Board the courses of studies; the text-books and books for supplementary use in the public schools and the purchase of such apparatus, books, stationery and other class-room supplies as may be required in the schools. Studies and text-books.

6. To report to the Board once a month upon the standing of schools examined by him and his deputies. Standing of schools.

SEC. 6. The Superintendent and his deputies shall constitute the City Board of Examination, and shall have power: City Board of Examination.

1. To examine applicants, and to prescribe a standard of proficiency, which will entitle the person examined to receive: Powers. To examine applicants.

a. A high school certificate, valid for six years, which shall authorize the holder to teach any primary, grammar, or high school in the City and County. High School certificate.

b. A City certificate, grammar grade, valid for six years, which shall authorize the holder to teach any primary or grammar school in the City and County. City certificate, grammar grade.

c. A City certificate, primary grade, valid for two years, which shall authorize the holder to teach any primary school in the City and County. They shall report the result of the examination to the Board of Education, and the Board shall thereupon issue to the successful candidates the certificates to which they shall be entitled. City certificate, primary grade.

2. To recommend applicants for special certificates valid for a period not to exceed six years, upon such special studies as may be authorized by the Board of Education. Special certificates.

3. For immoral or unprofessional conduct, profanity, intemperance, or evident unfitness for teaching, to recommend to the Board of Education the revocation of any certificates previously granted by the Board. Revocation of certificates.

4. To recommend the granting of City certificates, and the renewal thereof, in the manner provided for the granting and renewal of County certificates by County Boards of Recommend city certificates.

Education in section seventeen hundred and seventy-five of the Political Code.

CHAPTER V.

SCHOOL TAX LEVY.

School tax levy.

Annual estimate.

Limit of aggregate amount.

SECTION 1. The Board of Education shall, on or before the first Monday of April in each year, report to the Supervisors an estimate of the amount which shall be required during the ensuing fiscal year for the purpose of meeting the current annual expenses of public instruction in the City and County, specifying the amount required for supplies to be furnished pupils, including text-books or indigent children; for purchasing and procuring sites; for leasing rooms or erecting buildings; for furnishing, fitting up, altering, enlarging and repairing buildings; for the support of schools organized since the last annual apportionment; for the salary of the School Directors, Superintendent, Deputy Superintendents, and all other persons employed in the School Department, and for other expenditures necessary for the administration of the Public School system; but the aggregate amount so reported for any one year shall not exceed the sum of thirty-two dollars and fifty cents for each pupil, who in the fiscal year immediately prior thereto actually attended the schools entitled to participate in the apportionment thereof.

Common School Fund.

SEC. 2. The Supervisors at the time and in the manner of levying and collecting other city and county taxes shall levy and cause to be collected for the Common School Fund a tax which, added to the revenue derived from other sources, shall produce an amount of money which shall not exceed thirty-two dollars and fifty cents for each pupil in attendance during the preceding fiscal year, as ascertained and reported by the Board of Education.

Extraordinary expenditures.

SEC. 3. In case of extreme emergency or great calamity, such as disaster from fire, riot, earthquake or public enemy, the Board of Education may, with the approval of the Mayor and Supervisors, incur extraordinary expenditures in excess of the annual limit provided for in this Charter, for the repair and construction and furnishing of school houses in place of those so injured or destroyed. The Supervisors may, by ordinance, cause to be transferred to the Common School Fund, from moneys in any fund not otherwise appropriated, sufficient money to liquidate such expenditures, and provide for the same in the next tax levy of the City and County.

CHAPTER VI.

SCHOOL HOUSES AND LOTS.

New school houses.

SECTION 1. When any locality in the City and County is unprovided with sufficient school accommodations, the Board of Education may, by resolution, make a requisition upon the Board of Public Works for plans and specifications and estimates for a new school house, specifying the number of class rooms needed, the location of the proposed school house, the date on which it should be completed, the amount of money in the School Fund available for the purpose, and such other information as will enable the Board of Public Works to prepare the necessary plans, specifications and estimates of cost for such school house.

Plans and estimates.

Board of Public Works to construct.

If such plans, specifications and estimates are approved by the Board of Education, they shall be endorsed "Approved," with the date of such approval, by the President and Secretary thereof, and returned to the Board of Public Works, which shall proceed without delay to have such school house constructed and completed in accordance therewith.

Completion of school houses.

When such school house is completed, the Board of Public Works shall notify the Board of Education to examine the same, and if it has been built in accordance with the plans and specifications and within the estimated cost thereof, the Board of Education shall accept and take possession of it.

Repairs by Board of Public Works.

SEC. 2. When any school house, building, fence or other property belonging to, or connected with, or under the control of, the Board of Education, needs repairing, altering or improving, the Board shall notify the Board of Public Works, specifying in general terms the work to be done. The Board of Public Works shall cause the same to be done forthwith, if the cost thereof shall not exceed two hundred and fifty dollars; otherwise the Board of Public Works shall submit plans, specifications and estimates of cost to the Board of Education for its approval, and if approved as provided in section one of this Chapter, the Board of Public Works shall cause the same to be done, and if done in accordance with the plans and specifications, and within such estimate, the same shall be accepted and shall be paid for out of the Common School Fund.

Purchase of lots.

SEC. 3. When it is necessary to purchase a lot for the use of the School Department, the price paid for such lot shall not exceed the market value of adjacent property of equal size and similarly situated. Any school building hereafter constructed shall have a clear space of at least ten feet around the same.

CHAPTER VII.

PUBLIC LIBRARY AND READING ROOMS.

Board of 12 Trustees.

SECTION 1. The Public Library and Reading Rooms of the City and County shall be under the management of a Board of twelve Trustees, one of whom shall be the Mayor of the City and County, who shall be a member of the Board by virtue of his office. The Board of Trustees of said Library and Reading Rooms in office at the time this Charter shall take effect shall continue to constitute the Board of Trustees of said Public Library and Reading Rooms; and all vacancies therein shall be filled by said Board. None of said Trustees shall receive any compensation for his services.

How constituted.

No compensation.

Library Fund.

SEC. 2. The Supervisors shall, for the purpose of maintaining such Library and Reading Rooms and such branches thereof as the Board of Library Trustees may from time to time establish, and for purchasing books, journals and periodicals, and for purchasing or leasing real and personal property, and for constructing such buildings as may be necessary, annually levy a tax on all property in the City and County not exempt from taxation which shall not be less than one and one-half cents nor more than two and one-half cents upon each one hundred dollars assessed valuation of said property. The proceeds of said tax shall be credited to the Library Fund.

Amount of tax.

Gifts and bequests to Library Fund.

SEC. 3. All revenue from such tax, together with all money or property derived by gift, devise, bequest or otherwise, for the purposes of the Library, shall be paid into the treasury and be designated as the Library Fund and be applied to the purposes herein authorized. If such payment into the treasury should be inconsistent with the conditions or terms of any such gift, devise or bequest, the Board shall provide for the safety and preservation of the same and the application thereof to the use of the Library and Reading Rooms, in accordance with the terms and conditions of such gift, devise or bequest.

Title to vest in City and County

SEC. 4. The title to all property, real and personal, now owned or hereafter acquired by purchase, gift, devise, bequest or otherwise, for the purpose of the Library and Reading Rooms, when not inconsistent with the terms of its acquisition, shall vest in the City and County, and in the name of the City and County may be sued for and defended by action at law or otherwise.

Board to control all library property.

SEC. 5. The Board shall take charge of the Public Library and Reading Rooms, and the branches thereof, and of all real and personal property thereunto belonging, or that may be acquired by loan, purchase, gift, devise or otherwise,

when not inconsistent with the terms and conditions of the gift, devise or bequest. It shall meet for business purposes at least once a month, and at such other times as it may appoint in a place to be provided for the purpose. A majority of the Board shall constitute a quorum for the transaction of business. It shall elect one of its number President, who shall serve for one year and until his successor is elected, and shall elect a Librarian and Secretary and such assistants as may be necessary. The Secretary shall keep a full account of all property, money, receipts and expenditures and a record of all its proceedings.

Board of Trustees.
Monthly meetings.
Quorum.
President.
Librarian.
Secretary.

SEC. 6. The Board, by a majority vote of all its members to be recorded in its minutes with the ayes and noes, shall have power:

Powers of Board.

1. To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the Library and Reading Rooms and branches thereof, and all property belonging thereto, or that may be loaned thereto.

Rules and regulations

2. To administer any trust declared or created for such Library and Reading Rooms and branches thereof, and provide memorial tablets and niches to perpetuate the memory of those persons who may make valuable donations thereto.

Administer trusts.

3. To define the powers and prescribe the duties of all officers; determine the number of and elect all necessary subordinate officers and assistants, and for good and sufficient cause to remove any officer or assistant.

Appoint and remove assistants.

4. To purchase books, journals, publications and other personal property.

Purchase books.

5. To order the drawing and payment upon vouchers, certified by the President and Secretary, of money from the Library Fund for any liability or authorized expenditure.

Payments from Library Fund.

6. To fix the salaries of the Librarian and Secretary and their assistants; and, with the approval of the Supervisors, expressed by ordinance, to erect and equip such building or buildings, room or rooms, as may be necessary for the Library and Reading Rooms and branches thereof.

Fix salaries.
Buildings.

7. To establish such branches of the Library and Reading Rooms as the growth of the City and County may from time to time demand.

Branches.

SEC. 7. The Supervisors shall have power to appropriate and authorize the use, either in whole or in part, of any real estate belonging to the City and County, for the purpose of erecting and maintaining a building or buildings thereon to be used for the Library and Reading Rooms, or branches thereof, and may appropriate the whole or any portion of any public building belonging to the City and County for such use.

Supervisors may authorize use of real estate for library purposes.

ARTICLE VIII.

POLICE DEPARTMENT.

CHAPTER I.

ORGANIZATION.

Consists of. SECTION 1. The Police Department shall consist of a Board of Police Commissioners, a Chief of Police, a Police Force, and of such clerks and employees as shall be necessary to carry into effect the provisions of this Article.

Term of members. SEC. 2. All members of the Police Department shall hold office during good behavior, subject to the provisions hereinafter set forth relating to promotions, suspensions, dismissals and disratements.

Qualifications of members. SEC. 3. No person shall become a member of the Department unless he shall be a citizen of the United States, of good character for honesty and sobriety, able to read and write the English language, and a resident of the City and County for at least five years next preceding his appointment. Every appointee to the Department shall not be less than twenty-one nor more than thirty-five years of age, must possess the physical qualifications required for recruits of the United States Army, and before his appointment must pass a satisfactory medical examination under such rules and regulations as may be prescribed by the Board of Police Commissioners. In making appointments of members of the Department, the Board shall never regard the political or religious preferences or affiliations of any candidate.

CHAPTER II.

POLICE COMMISSIONERS.

Board of 4 Police Commissioners. SECTION 1. The Police Department shall be under the management of a Board of Police Commissioners consisting of four members who shall be appointed by the Mayor, and each of whom shall receive an annual salary of twelve hundred dollars. No person shall be appointed such Commissioner who shall not have been an elector of the City and County for at least five years next preceding his appointment.

Appointed by Mayor.

Salary.

Political affiliations. SEC. 2. The Board shall never be so constituted as to consist of more than two members of the same political party. The term of office of the Commissioners shall be four years. Those first appointed shall so classify themselves by lot that they shall respectively go out of office

Term.

at the expiration of one, two, three and four years.

Successors in office.

SEC. 3. The Commissioners shall be successors in office of the Police Commissioners holding office in the City and County at the time this Charter shall go into effect by virtue of appointment under any statute or law of this State.

Organization. President. Secretary. Salary. Meetings. Ayes and noes.

SEC. 4. The Police Commissioners shall organize by electing one of their number President, who shall hold such office for one year. The Board shall appoint a Secretary, who shall receive an annual salary of fifteen hundred dollars. The sessions of the Board shall be public, except that executive sessions may be held whenever deemed proper by the Board. The Board shall meet at least once a week in the rooms of the Police Department, or in case of public emergency at such place as the Board may select. The Secretary must keep minutes of its proceedings; and in every case where a power is exercised by the Board under this Article the ayes and noes thereon shall be entered therein.

CHAPTER III.

POWERS OF THE BOARD.

Powers of Commissioners:

SECTION 1. The Board of Police Commissioners shall have power:

Appoint and dismiss.

1. To appoint, promote, suspend, disrate or dismiss any member of the Department in the manner hereinafter provided.

Rules and regulations.

2. To prescribe rules and regulations for the government, discipline, equipment and uniform of the Department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any of such rules and regulations. All such rules and regulations must be reasonable.

Permits for sale of liquor.

3. To grant permits to any person desiring to engage in the sale of liquor in less quantity than one quart, and to grant permits to any person engaged in the business of selling liquor to be drunk on the premises, and to revoke any such permit when it shall appear to the Board that the business of the person to whom such permit was given is conducted in a disorderly or improper manner. Without such permit none of such persons shall engage in the business of selling liquor. If the Board refuse to grant such permit, or propose to revoke any permit that has been granted, the person who is refused such permit or whose permit it is proposed to revoke, shall be entitled to be heard before the Board in person, or through counsel, and to have, free of charge, all reasonable facilities at the hearing. Such permits shall

Hearing of persons refused permits.

Permits for sale of liquor.

not be granted for more than three months at one time, and they shall distinctly state the name of the person to whom the same is given, and the description of the premises where such business is to be carried on. Such permits shall at all times be subject to inspection by any member of the Department. Complaints to revoke permits granted by the Board must be in writing, signed by the person making the same and filed with the Secretary of the Board; and a copy thereof certified by the Secretary must be served upon the party complained against at least five days before the time set for the hearing of the complaint.

Revocation of same.

Special police officers.

4. At its discretion, upon the petition of any person, firm or corporation, to appoint, and at pleasure to remove, special police officers. Such officers shall be subject to all the rules and regulations of the Board.

Sale and disposition of unclaimed property

5. To provide for the care, restitution or sale at annual public auction of all unclaimed property that may come into the possession of the Property Clerk, and to direct the destruction of such property as shall consist of implements, weapons, property or any other article, matter or thing used in the commission of crime.

Police matrons.

6. To appoint Police Matrons for the care of female prisoners and to provide rules and regulations for the government of the same.

Police Surgeon.

7. To appoint a Police Surgeon who shall receive an annual salary of fifteen hundred dollars.

Special meetings.

SEC. 2. The President may convene the Board for special meetings. The Secretary of the Board shall be the official custodian of all records and official documents of the Board.

CHAPTER IV.

THE CHIEF OF POLICE.

Chief of police.

SECTION 1. The Chief of Police shall be appointed by the Board of Police Commissioners and hold office for the term of four years. He shall receive an annual salary of four thousand dollars. He shall have control, management and direction of all members of the Department in the lawful exercise of his functions, with full power to detail any of them to such public service as he may direct, and with like power to suspend temporarily any member of the Department. In all cases of such suspension, he shall immediately report the same to the Board with the reasons therefor in writing. He shall maintain and enforce law and rigid discipline so as to secure complete efficiency of the Department. He shall, subject to the directions and orders of the Commissioners, have control of such of the prisons of the City and County as are not by the general law under the control of the Sheriff.

Term.

Salary.

Powers and duties.

Chief of Police.

Powers and duties.

Riots.

SEC. 2. In the suppression of any riot, public tumult, disturbance of the public peace, or organized resistance against the laws or public authority, the Chief of Police shall, in the lawful exercise of his functions, have all the powers that are now or may be conferred on Sheriffs by the laws of the State.

Chief executive officer of the department

SEC. 3. The Chief of Police shall be the chief executive officer of the Department. He shall be chargeable with and responsible for the execution of all laws and ordinances and the rules and regulations of the Department. He shall see that the orders and process issued by the Police Court and such other orders and process as may be placed in his hands are promptly executed, and shall exercise such other powers connected with his office as may be provided for in the general rules and regulations of the Commissioners.

Law books in office.

Absence from office.

SEC. 4. The Chief of Police shall keep a public office in which he shall have the Statutes of this State and of the United States, and all necessary works on criminal law. In case of his temporary absence some competent member of the Department, by him designated for that purpose, shall be in attendance at all hours of the day and night; and in such case he shall make known to such member of the Department where he can be found.

Bailiffs in Police Court.

Appointees. Salaries.

SEC. 5. The Chief of Police shall detail one or more of the members of the Department to attend constantly on the Police Court and to execute its orders and process. He shall detail at his pleasure members of the Department to act as his Chief Clerk, Assistant Clerks, Prison Keepers and Property Clerk. Said Chief Clerk and said Property Clerk shall each receive an annual salary of twenty-four hundred dollars.

Contingent fund.

Total disbursements

SEC. 6. The Chief of Police may from time to time disburse such sums for contingent expenses of the Department, as in his judgment shall be for the best interest of the City and County, to be paid out of the contingent fund allowed the Department. The aggregate of all such sums shall not in any one fiscal year exceed the sum of ten thousand dollars. Provision shall be made by the Supervisors for such contingent fund in the annual tax levy. The Commissioners shall allow and order paid out of such contingent fund as contingent expenses of the Police Department, upon orders signed by the Chief of Police, such amounts as may be required.

Control over pawnshops, peddlers, etc.

SEC. 7. The Chief of Police shall possess powers of general police inspection, supervision and control, over all pawnbrokers, peddlers, junk-shop keepers, dealers in second-hand merchandise, auctioneers and intelligence office

Permits for pawnbrokers, peddlers, etc.

keepers. All persons engaged in such callings must first procure permits from the Commissioners. In the exercise of such power the Chief may by authority in writing from time to time empower members of the Police Department, when in search of property feloniously obtained or in search of suspected offenders, or in search of evidence to convict any person charged with crime, to examine the books and the premises of any such person. Any such member of the Police Department, when thereunto empowered in writing by the Chief of Police, may examine property alleged to have been pawned, pledged, deposited, lost, strayed or stolen.

Examination of premises.

CHAPTER V.

SUBORDINATE OFFICERS.

Captains. Lieutenants. Sergeants. Corporals. Salaries of each.

SECTION 1. Subordinate officers of the Police Department shall consist of Captains, who shall each receive an annual salary of twenty-four hundred dollars; Lieutenants, who shall each receive an annual salary of sixteen hundred and eighty dollars; Sergeants, who shall each receive an annual salary of fifteen hundred dollars; and Corporals, who shall each receive an annual salary of fourteen hundred and four dollars.

Captains' duties.

SEC. 2. There shall be one Captain for each one hundred police officers. The duties of Captains shall be defined by the rules and regulations of the Commissioners and by the orders of the Chief of Police.

Lieutenants' duties.

SEC. 3. There shall be one Lieutenant for every fifty police officers. The duties of Lieutenants shall be defined by the rules and regulations of the Commissioners, by the orders of the Chief of Police, and by the orders of their respective Captains.

Sergeants' duties.

SEC. 4. There shall be as many Sergeants as in the judgment of the Commissioners may be advisable, not to exceed one Sergeant for every ten police officers. The duties of Sergeants shall be defined by the rules and regulations of the Commissioners, the orders of the Chief of Police, and the orders of their respective Captains and Lieutenants.

Corporals' duties.

SEC. 5. There shall be as many Corporals as in the judgment of the Commissioners may be advisable. The duties of Corporals shall be defined by the rules and regulations of the Commissioners, the orders of the Chief of Police, and the orders of their respective Captains, Lieutenants and Sergeants.

Detectives. Captain.

SEC. 6. The Chief of Police may detail for detective duties such members of the Department as he may select, not to exceed twenty-five. He shall designate a Captain of Police to act as Captain over the officers so detailed who

shall receive an annual salary of three thousand dollars. Such Captain shall rank as Captain of Detectives, and his duties shall be defined by the Commissioners and by the Chief of Police. The members so detailed shall be known and ranked as Detective Sergeants. Each of said Detective Sergeants shall receive an annual salary of eighteen hundred dollars. They may be removed at any time from such detail by the Chief of Police. Their duties shall be defined by the rules and regulations of the Commissioners, by the orders of the Chief of Police, and by the orders of the Captain of Detectives.

Detective Sergeants.

Salary.

Duties.

CHAPTER VI.

POLICE OFFICERS.

SECTION 1. The Police Force of the City and County shall not exceed one Police Officer for each five hundred inhabitants thereof. Police officers shall each receive an annual salary of twelve hundred and twenty-four dollars.

Policemen.

Number.

Salary.

SEC. 2. Every Police Officer shall, upon the arrest of any person charged with the commission of crime, search the person of such offender, and take from him all property and weapons, and forthwith deliver the same to the prison-keeper, who must deliver the same to the Property Clerk, to be by him kept until other disposition be made thereof according to law.

Property of prisoners.

SEC. 3. Police Officers shall be health officers by virtue of their office.

Ex-officio health officers.

CHAPTER VII.

PROMOTIONS, SUSPENSIONS, DISMISSALS AND DISRATEMENTS.

SECTION 1. All promotions in the Department shall be from the next lower rank, seniority of service and meritorious public service being considered.

Promotions.

SEC. 2. Any member of the Department guilty of any offense, or violation of rules and regulations, shall be liable to be punished by reprimand, or by fine to be fixed by the Commissioners, or by dismissal from the Department; but no fine shall ever be imposed at any one time for any offense exceeding one month's salary.

Violation of rules.

Penalties.

SEC. 3. No member of the Department shall be subject to dismissal for any cause, or to punishment for any breach of duty or misconduct therein, except after a fair and impartial trial before the Commissioners upon a verified complaint filed with the Board setting forth specifically the acts complained of, and after such reasonable notice to him

Fair trial before dismissal or punishment.

of the time and place of hearing as the Board may by rule prescribe. The accused shall be entitled upon such hearing to appear personally and by counsel; to have a public trial; and to secure and enforce free of expense to him the attendance of all witnesses necessary for his defense.

CHAPTER VIII.

UNCLAIMED AND STOLEN PROPERTY.

Lost, stolen or unclaimed property.

SECTION 1. All property or money taken under suspicion of having been stolen or feloniously obtained, the result of crime or constituting the proceeds of crime, and all property or money taken from intoxicated or insane persons, or other persons incapable of taking care of themselves, or property or money lost or abandoned that may in any way come into the possession or custody of any member of the Department, or of any Criminal Court or Judge of the City and County, shall be delivered to the Property Clerk, who shall enter in a Record Book, to be kept by him for that purpose, a full and explicit description of the same, together with the name of the person or persons from whom received, the names of any claimants thereto, the time of the seizure, and the final disposition thereof.

Delivered to property clerk.

Property of innocent persons to be returned

SEC. 2. When property or money taken from any person arrested, or otherwise under suspicion of having been feloniously obtained, or of being the proceeds of crime, is brought with the claimant thereof and the person arrested, before a Court for examination and adjudication, and the Court shall adjudge that the person arrested is innocent of the offense alleged, and that the property or money belongs to him, it shall order such property or money returned to the accused, and the Property Clerk shall thereupon deliver such property or money to him personally, but not to his attorney or agent. If upon such hearing the accused shall be held for trial or examination, such property or money shall remain in the custody of the Property Clerk until the discharge or conviction of the person accused.

Unclaimed property to be sold, when.

SEC. 3. All unclaimed property and money that has been in the custody of the Property Clerk for one year shall be sold at public auction, after having been five times advertised in the official newspaper; and the proceeds of such sale shall be paid into the treasury to the credit of the Police Relief and Pension Fund. In no case shall such property be sold or disposed of until the necessity for the use thereof as evidence has ceased. The proceeds of property taken from insane persons shall not become part of such Fund until after the expiration of three years from the time the same is paid into the treasury; but the

Property of insane persons.

Commissioners and the Chief of Police shall, during such period, make diligent inquiry to ascertain the person or persons to whom the same should by right be payable.

Property as evidence in court.

SEC. 4. If any property or money in the custody of the Property Clerk be required as evidence in any Court, it shall be delivered to any officer who shall present an order in writing to that effect from such Court, and the Clerks of such Court shall be responsible for the safe delivery of such property or money to the Property Clerk.

Duty of property clerk.

SEC. 5. All valuables and money in the custody of the Property Clerk shall be deposited by him for safe keeping with the Treasurer in such manner and subject to such rules and regulations as may be prescribed by the Board.

CHAPTER IX.

PRESENT POLICE FORCE.

Constitution of the force.

SECTION 1. All members of the present Police Force in good standing in the Department at the time this Charter goes into effect, and the Park Police, shall continue therein without Civil Service examination; but all new appointments and all promotions made after this Charter shall go into effect shall be subject to and governed by Article XIII of this Charter.

CHAPTER X.

POLICE RELIEF AND PENSION FUND.

Pension fund.

SECTION 1. In order to continue in force and make effectual pensions already existing in favor of the Police Force, a Fund is hereby created to be known and designated as the Police Relief and Pension Fund. The Board of Police Commissioners and its successors in office shall constitute a Board of Trustees of said Fund.

Board of trustees.

Qualifications requisite to pensioners.

SEC. 2. The Board of Police Commissioners may, by a unanimous vote, retire and relieve from service any aged, infirm or disabled member of the Department who has arrived at the age of sixty-five years, and who, upon an examination by two regularly certificated practicing physicians appointed by the Commissioners for that purpose, may be ascertained to be by reason of such age, infirmity or other disability, unfit for the performance of his duties.

Monthly pension.

Such retired member shall receive from the Police Relief and Pension Fund a monthly pension equal to one-half of the amount of the salary attached to the rank held by him three years prior to the date of his retirement. No such pension shall be paid unless such person has been an active member of the Department for twenty years con-

Pensions.

tinuously next preceding his retirement, and the same shall cease at his death.

Physical disabilities.

SEC. 3. Any member of the Department who shall become physically disabled by reason of any bodily injury received in the performance of his duty, upon his filing with the Commissioners a verified petition setting forth the facts constituting such disability and the cause thereof, accompanied by a certificate signed by the Chief of Police, the Captain of the Company to which he belongs, and by two regularly certificated physicians of the City and County recommending his retirement upon a pension on account of such disability, may be retired from the Department upon an annual pension equal to one-half the amount of salary attached to the rank which he may have held three years prior to the date of such retirement, to be paid to him during his life and to cease at his death. In case his disability shall cease his pension shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

Annual pension.

Family of member killed in service:

SEC. 4. The Commissioners shall, out of the Police Relief and Pension Fund, provide for the family of any officer, member or employee of the Department who may be killed while in the performance of his duty, as follows:

Monthly pension to widow.

First—Should the decedent be married, his widow shall as long as she may remain unmarried be paid a monthly pension equal to one-half of the salary attached to the rank held by the decedent at the time of his death.

Pension to orphan children.

Second—Should the decedent leave no widow, but leave an orphan child or children under the age of sixteen years, such children shall collectively receive a pension equal to one-half the salary attached to the position held by their father at the time of his death, until the youngest attains the age of sixteen years.

Pension to parents.

Third—Should the decedent leave no widow and no orphan child or children, but leave a parent or parents depending solely upon him for support, such parents, so depending, shall collectively receive a pension equal to one-half the salary attached to the position held by the decedent at the time of his death, during such time as the Commissioners may unanimously determine its necessity.

Forfeiture of pensions.

SEC. 5. Any person receiving a pension as aforesaid from the Police Relief and Pension Fund, who shall be convicted of felony, shall become dissipated, an habitual drunkard, or shall become a non-resident of this State, shall forfeit all right to said pension.

Death after 10 years' service.

SEC. 6. When any member of the Department shall, after ten years' service, die from natural causes, then his widow, and if there be no widow, then his children, or if

there be no widow or children, then his mother if dependent upon him for support, shall be entitled to a sum equal to the amount retained by the Treasurer from the pay of such deceased member and paid into the Relief and Pension Fund; but the provisions of this section shall not apply to any member of the Department who shall have received any pension under the terms of this Chapter. Pensions.

SEC. 7. The Commissioners shall make rules and regulations to carry out the provisions of this Chapter and to enforce compliance therewith on the part of the members of the Department. It shall make up an estimate every year of the amount required to pay all demands on the Police Relief and Pension Fund for the succeeding fiscal year, and certify the same to the Supervisors in connection with and as a part of the annual appropriation for the Police Department. Rules and regulations. Estimate of annual pensions.

SEC. 8. The Commissioners may, on notice to the Chief of Police, reward any member of the Department for conduct which is heroic or meritorious. The form or the amount of such reward shall be discretionary with the Board; but it shall not exceed in any one instance one month's salary. Rewards for heroic conduct.

SEC. 9. The Board of Police Pension Fund Commissioners shall hold quarterly meetings on the first Mondays of April, July, October and January of each year, and upon the call of its President. It shall issue warrants, signed by its President and Secretary, to the persons entitled thereto, for the amount of money ordered paid to such persons from the Relief and Pension Fund. Each warrant shall state for what purpose the payment is made. Commissioners to hold quarterly meetings. Warrants.

The Board of Police Pension Fund Commissioners shall keep a public record of its proceedings. It shall at each quarterly meeting send to the Treasurer and to the Auditor a written or printed list of all persons entitled to payment from the Relief and Pension Fund, stating the amounts of such payments, and for what granted. Such list shall be certified and signed by the President and Secretary of the Board. The Auditor shall thereupon enter a copy of such list upon a book to be kept for that purpose which shall be known as The Police Relief and Pension Fund Book. All warrants signed by the President and Secretary of the Board shall be presented to the Auditor, and be audited and ordered paid by him out of said Fund. Record of proceedings. List of pensioners. Warrants.

SEC. 10. The Board of Police Pension Fund Commissioners shall possess the powers vested in the Board of Police Commissioners to make rules and regulations for its guidance. It may appoint a Secretary, and provide for the payment from said Fund of all its necessary expenses, Powers of Board. Secretary.

Pension fund.

not exceeding fifty dollars for any one month, including the salary of the Secretary and printing. No compensation shall be paid to any member of the Board for any duty required or performed as Police Relief and Pension Fund Commissioner.

Sources of revenue:

SEC. 11. The Supervisors shall annually, when the tax levy is made, direct the payment into the aforesaid Fund of the following moneys:

Per cent. of liquor licenses.

1. Not less than five nor more than ten per centum of all moneys collected and received from licenses for the keeping of places where spirituous, malt or other intoxicating liquors are sold.

Dog licenses.

2. One-half of all moneys received from taxes or from licenses upon dogs.

Fines upon members.

3. All moneys received from fines imposed upon members of the Police Department for violation of law or the rules or regulations thereof.

Unclaimed property.

4. All proceeds of sales of unclaimed property.

Part of other licenses.

5. Not less than one-fourth nor more than one-half of all moneys received from licenses from pawnbrokers, billiard hall keepers, dealers in second-hand merchandise, and from junk stores.

Fines for weapons.

6. All moneys received from fines for carrying concealed weapons.

Violations of ordinances.

7. Twenty-five per centum of all fines collected in money for violation of any ordinance.

Rewards.

8. All rewards to members of the Police Department, except such as shall be excepted by the Commissioners.

Retention from monthly salary.

9. The Treasurer shall retain from the pay of each member of the Police Force two dollars a month, which shall be forthwith paid into the Police Relief and Pension Fund. No other or further retention or reduction shall be made from such pay for any other fund or purpose unless the same is herein authorized.

Policemen on special detail.

SEC. 12. When a request is made for regular policemen to be detailed at any place of amusement or entertainment, ball, party or picnic, the party or person making such request shall first deposit two dollars and fifty cents for each man so detailed with the Property Clerk of the Department, who shall give him a receipt for the same, and such sum shall be at once paid into the treasury to the credit of the Police Relief and Pension Fund.

Auditor's report on pension fund.

SEC. 13. On the last day of June of each year, or as soon thereafter as practicable, the Auditor shall make a report to the Supervisors of all moneys paid out of such Fund during the previous year, and of the amount then to the credit of such Fund. The surplus then remaining in such Fund exceeding the average annual amount paid out of

Surplus.

such Fund during the three years next preceding shall be transferred to and become a part of the Surplus Fund, and shall be no longer under the control of the Board, or subject to its order. Payments provided for in this Chapter shall be made quarterly upon proper vouchers. When in any one year a deficiency shall exist in such Fund, such deficiency shall be provided for and made good by the Supervisors in their next ensuing tax levy. Pension fund. Deficiency.

ARTICLE IX.

FIRE DEPARTMENT.

FIRE DEPARTMENT:

CHAPTER I.

ORGANIZATION AND POWERS.

SECTION 1. The Fire Department shall be under the management of a Board of Fire Commissioners consisting of four members, who shall be appointed by the Mayor, and each of whom shall receive an annual salary of twelve hundred dollars. No person shall be appointed a Fire Commissioner who shall not have been an elector of the City and County for at least five years next preceding his appointment. Board of 4 Commissioners. Appointed by Mayor. Salary.

SEC. 2. The Board shall never be so constituted as to consist of more than two members of the same political party. The term of office of the Commissioners shall be four years. Those first appointed shall so classify themselves by lot that they shall respectively go out of office at the expiration of one, two, three and four years. Political affiliations. Term.

SEC. 3. The Commissioners shall be successors in office of the Fire Commissioners holding office in the City and County at the time this Charter shall go into effect by virtue of appointment under any statute or law of this State. Successors in office.

SEC. 4. The Commissioners shall organize by electing one of their number President who shall hold office for one year. The Board may appoint a Secretary who shall perform such duties as the Board may prescribe. He shall receive an annual salary of twenty-four hundred dollars. The Board shall meet at least once a week, and as often as the business of the Department may require, and all its meetings shall be public. Organization. President. Secretary. Salary. Meetings.

SEC. 5. The Board shall organize the Department, create and establish such fire companies as it may deem necessary, prescribe the number and duties of the officers, members and employees of the Department, and the uniforms and badges to be worn by them; have control Powers of Board.

Commissioners.

of all the property and equipments of the Department, and exercise full power and authority over all appropriations made for the use of the Department.

Qualifications of firemen.

SEC. 6. All persons appointed to positions in the Department must be citizens of the United States, not less than twenty-one nor more than thirty-five years of age, of good character for honesty and sobriety, able to read and write the English language, residents of the City and County at least five years next preceding the date of their appointment, must pass a medical examination under such rules and regulations as may be prescribed by the Commissioners, and upon such examination be found in sound bodily health.

Non-political.

SEC. 7. No officer, member or employee of the Department shall be appointed, transferred or removed because of his political opinions, nor shall he be transferred or dismissed except for cause, nor until after a trial before the Commissioners.

Trial before dismissal.

Powers and duties of Commissioners.

SEC. 8. The Commissioners shall see that the officers, members and employees of the Department faithfully discharge their duties, and that the laws, ordinances and regulations pertaining to the Department are carried into effect. The Board shall make such rules and regulations as may be necessary to secure discipline and efficiency in the Department, and for any violation of such rules and regulations may impose reasonable fines upon the officers, members and employees of the Department, or may suspend any of them for such reasonable time as the Board may by rule prescribe. Such fines shall be deducted from the monthly warrants of the officers, members and employees upon whom they are imposed, and shall be transferred by the Treasurer to the Firemen's Relief and Pension Fund.

Fines.

Duties of Clerk and Commissary.

SEC. 9. The Clerk and Commissary of the Fire Department Corporation Yards shall not deliver any supplies or stores of the Fire Department except upon an order signed by the Chief Engineer and the Secertary of the Commissioners; but during a conflagration, such material or apparatus as may be required for the purpose of extinguishing such conflagration may be withdrawn from said Corporation Yards by order of the Chief Engineer, or by any officer in charge of the force of the Department at such conflagration.

Conflagration.

No other employment.

SEC. 10. No member or employee of the Fire Department shall be engaged in any other employment.

CHAPTER II.

DUTIES OF THE COMMISSIONERS.

Reorganization of the Department.

SECTION 1. The Board of Fire Commissioners shall immediately after their appointment and qualification proceed to reorganize the Fire Department in conformity with the provisions of this Charter. In so doing the Board shall

Commissioners.

make its appointments of officers and members from the persons constituting the force in the service of the Fire Department at the time this Charter goes into effect. Such officers and members shall not be required to pass any Civil Service examination. All future appointments and promotions shall be made subject to the provisions of Article XIII of this Charter. If any reduction is made in the force of the Department, the Commissioners may temporarily discharge those persons, whose discharge shall be most conducive to the efficient reorganization of the Department, but in case of a subsequent increase of the force, those temporarily discharged shall be reappointed without Civil Service examination and assigned to the same rank in which they were at the time of their discharge.

Duties.

Constitution of the department.

Present and future.

Fair public trial before dismissal.

SEC. 2. No officer, member or employee of the Department shall be dismissed or transferred except for cause nor until after a trial. The accused shall be furnished with a written copy of the charges against him at least three days previous to the day of trial. He shall have the right to appear in person and by counsel and examine witnesses in his behalf. All witnesses shall be examined under oath, and all trials shall be public.

Salary during disability.

SEC. 3. When any officer, member or employee of the Department shall become temporarily disabled by reason of injuries received while in the actual performance of his duty therein so as to incapacitate him from performing his duty, the Commissioners shall allow his salary during the continuance of such temporary disability.

Performance of contracts.

SEC. 4. The Commissioners shall see that all contracts awarded and work done for the Department are faithfully performed, and shall, upon the awarding of any such contract, exact an adequate bond for the prompt and faithful performance of the same.

Supplies.

Rules governing contracts and proposals.

The provisions of Article II, Chapter III, of this Charter in regard to the advertising for proposals, the affidavit and security accompanying the same, the presentation and opening of proposals, the awarding of contracts and the security for the performance thereof, shall, so far as the same can be made applicable, apply to all proposals and contracts made, awarded or entered into for furnishing supplies to the Fire Department. Any contract made in violation of any of the provisions of this Chapter shall be void.

CHAPTER III.

THE CHIEF ENGINEER.

Duties of Chief Engineer.

SECTION 1. The Board of Fire Commissioners shall appoint a Chief Engineer, who shall be charged with the special duty of superintending the extinguishment of fires.

Chief Engineer. Assistants. Duties.

The Chief Engineer shall be the chief executive officer of the Fire Department, and it shall be his duty and that of the Assistant Chief Engineers and of the Battalion Chiefs to see that all laws, orders, rules and regulations in force in the City and County, or made by the Commissioners concerning the Fire Department, are enforced.

Powers and duties of Chief Engineer.

SEC. 2. The Chief Engineer may suspend any subordinate officer, member, or employee of the Department for incompetency, or for any violation of the rules and regulations of the Fire Department, and shall forthwith report in writing such suspension, with his reasons therefor, to the Commissioners for their action. He shall diligently observe the condition of the apparatus and workings of the Department and report in writing thereon at least once a month to the Board and make such recommendations and suggestions respecting the same as he may deem proper. In the absence or inability of the Chief Engineer, an Assistant Chief Engineer shall perform his duties.

Destruction of buildings.

SEC. 3. The Chief Engineer, or, in his absence, the Assistant Chief Engineers, or, in their absence, any Battalion Chief in charge may, during a conflagration, cause to be cut down or otherwise removed any buildings or structures for the purpose of checking the progress of such conflagration.

CHARTER IV.

FIRE COMPANIES.

Organization of companies. Steam engine

SECTION 1. Each Steam Fire Engine Company shall be composed of not more than one Captain, one Lieutenant, one Engineer, one Driver, one Stoker, and five Hosemen.

Hook and Ladder.

Each Hook and Ladder Company shall be composed of not more than one Captain, one Lieutenant, one Driver, one Tillerman and eight Truckmen.

Chemical.

Each Chemical Engine Company shall be composed of not more than one Captain, one Lieutenant, one Driver and one Hoseman.

Water tower.

Each Water Tower Company shall be composed of not more than one Captain, one Driver and one Hoseman.

Fire boat.

Each Fire Boat Company shall be composed of not more than one Captain, one Lieutenant, one Engineer, one Assistant Engineer, two Firemen, one Pilot and twelve Hosemen.

CHAPTER V.

FIRE MARSHAL.

Marshal.

SECTION 1. The Board of Fire Commissioners, on the written recommendation of the Board of Directors of the corporation known as the Underwriters' Fire Patrol of San

Francisco, may appoint such persons as may be recommended by said Board of Directors as Fire Marshal and Assistant Fire Marshal. Vacancies occurring in the office of Fire Marshal or Assistant Fire Marshal shall be filled in the same manner. The salaries of said Fire Marshal and of his assistant and deputies shall be fixed and paid by said Board of Directors of said Underwriters' Fire Patrol of San Francisco, and in no event shall the City and County be liable therefor or for any part thereof. Marshal. Assistant. Salaries.

SEC. 2. The Fire Marshal or, in case of his disability, the Assistant Fire Marshal shall attend all fires which may occur in the City and County, and he shall take charge of and protect all property which may be imperiled thereby. Duties.

SEC. 3. The Fire Marshal may call upon policemen during the time of any fire for the purpose of protecting property until the arrival of the owner or claimant thereof, and in case the owner or claimant of such property does not take charge of the same within twenty-four hours the Fire Marshal may have such property stored at the owner's or claimant's expense. Powers. Protecting property.

SEC. 4. The Fire Marshal shall be charged with the enforcement of all laws and ordinances relating to the storage, sale and use of oils, combustible materials and explosives, together with the investigation of the cause of all fires. In all cases where there is reason to believe that fires are the result of crime or that crime has been committed in connection therewith, the Fire Marshal must report the same in writing to the District Attorney. The Fire Marshal shall also have the care of, and may sell, subject to the orders of the Board of Fire Commissioners, all property saved from fire for which no owner can be found, and at once pay the amount realized from any such sale into the treasury. He shall exercise the functions of a police officer. Powers and duties of Fire Marshal. Combustibles. Causes of fires. Unclaimed property.

SEC. 5. The Fire Marshal shall have power to appoint deputies for inspecting buildings, but such deputies shall receive no compensation for their services from the City and County. Deputies.

CHAPTER VI.

FIRE WARDENS.

SECTION 1. The Chief Engineer, Assistant Chief Engineers, Battalion Chiefs and the Fire Marshal shall constitute a Board of Fire Wardens, with power to inspect and report to the Board of Public Works as to the safety of buildings and other structures within the City and County. Wardens. Safety of buildings.

CHAPTER VII.

FIREMEN'S RELIEF FUND.

Relief Fund.

SECTION 1. In order to continue in force and make effectual pensions already existing in favor of firemen, a fund is hereby created to be known and designated as the Firemen's Relief Fund. The Board of Fire Commissioners of the City and County and its successors in office shall constitute a Board of Trustees of said Fund. The Board shall be known as the Board of Fire Pension Fund Commissioners.

Board of Trustees.

Tax for Relief Fund.

SEC. 2. There shall be annually levied, collected and apportioned to the Firemen's Relief Fund a tax sufficient to meet and pay all demands upon said Fund, for the purposes set out in this Chapter.

Qualifications requisite to pensioners.

SEC. 3. The Commissioners may, by a unanimous vote, retire and relieve from service any aged, infirm or disabled fireman of the Department who has arrived at the age of sixty-five years, and who, upon an examination by two regularly certificated practicing physicians appointed by the Commissioners for that purpose, may be ascertained to be by reason of such age, infirmity or other disability, unfit for the performance of his duties. Such retired fireman shall receive from the Firemen's Relief Fund a monthly pension equal to one-half of the amount of the salary attached to the rank held by him three years prior to the date of his retirement. No such pension shall be paid unless such person has been an active member of the Fire Department for twenty years continuously next preceding his retirement, and the same shall cease at his death.

Monthly pension.

Physical disabilities.

SEC. 4. Any member of the Fire Department who shall become physically disabled by reason of any bodily injury received in the performance of his duty, upon his filing with the Commissioners a verified petition setting forth the facts constituting such disability and the cause thereof, accompanied by a certificate signed by the Chief of the Fire Department, the Captain of the Company to which he belongs, and by two regularly certificated physicians of the City and County, recommending his retirement upon a pension on account of such disability, may be retired from the Department upon an annual pension equal to one-half the amount of salary attached to the rank which he may have held three years prior to the date of such retirement, to be paid to him during his life and to cease at his death. In case his disability shall cease his pension shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

Annual pension.

Family of member killed.

SEC. 5. The Commissioners shall, out of the Firemen's Relief Fund, provide as follows for the family of any

officer, member, or employee of the Fire Department who may be killed while in the performance of his duty: Relief Fund.

First—Should the decedent be married, his widow shall as long as she may remain unmarried be paid a monthly pension equal to one-half of the salary attached to the rank held by the decedent at the time of his death. Monthly pension to widow.

Second—Should the decedent leave no widow, but leave an orphan child or children under the age of sixteen years, such children shall collectively receive a pension equal to one-half the salary attached to the position held by their father at the time of his death, until the youngest attains the age of sixteen years. Pension to orphan children.

Third—Should the decedent leave no widow and no orphan child or children, but leave a parent or parents depending solely upon him for support, such parents, so depending, shall collectively receive a pension equal to one-half the salary attached to the position held by the decedent at the time of his death during such time as the Commissioners may unanimously determine its necessity. Pension to parents.

SEC. 6. Any person receiving a pension from the Firemen's Relief Fund, who shall be convicted of felony, or who shall become dissipated, an habitual drunkard, or who shall become a non-resident of this State, shall forfeit all right to said pension. Forfeiture of pensions.

SEC. 7. The Commissioners shall make rules and regulations to carry out the provisions of this Chapter and to enforce compliance therewith on the part of the members of the Department. It shall make up an estimate every year of the amount required to pay all demands on the Firemen's Relief Fund for the succeeding fiscal year, and certify the same to the Supervisors in connection with and as a part of the annual appropriation for the Fire Department. Rules and regulations. Estimate of annual pensions.

SEC. 8. The Board of Fire Pension Fund Commissioners shall hold quarterly meetings on the first Mondays of April, July, October, and January of each year, and upon the call of its President. It shall issue warrants, signed by its President and Secretary, to the persons entitled thereto, for the amount of money ordered paid to such persons from the Firemen's Relief Fund. Each warrant shall state for what purpose the payment is made. Quarterly meetings of Commissioners. Warrants.

The Board of Fire Pension Fund Commissioners shall keep a public record of its proceedings. It shall at each quarterly meeting send to the Treasurer and to the Auditor a written or printed list of all persons entitled to payment from the Relief Fund, stating the amounts of such payments and for what granted. Such list shall be certified Record of proceedings. List of pensioners.

Relief fund.

Warrants.

and signed by the President and Secretary of the Board. The Auditor shall thereupon enter a copy of such list upon a book to be kept for that purpose which shall be known as the Firemen's Relief Fund Book. All warrants signed by the President and Secretary of the Board shall be presented to the Auditor, and be audited and ordered paid by him out of said Fund.

Powers of Board.

Secretary.

Expenses.

SEC. 9. The Board of Fire Pension Fund Commissioners shall possess the powers vested in the Board of Fire Commissioners to make rules and regulations for its guidance. It may appoint a Secretary and provide for the payment from said Fund of all its necessary expenses, not exceeding fifty dollars for any one month, including the salary of the Secretary and printing; but no compensation shall be paid to any member of the Board for any duty required or performed as Fire Pension Fund Commissioner.

CHAPTER VIII.

SALARIES.

Salaries of Fire Department: Chief and Assistant Engineers.

Chiefs.

Superintendent.

Commissary.

Captains.

Lieutenants, etc.

Firemen, etc.

SECTION 1. The officers and members of the Fire Department shall receive annual salaries as follows:

Chief Engineer, four thousand dollars; First Assistant Chief Engineer, three thousand dollars; Second Assistant Engineer, twenty-four hundred dollars; Battalion Chiefs, each twenty-one hundred dollars; Superintendent of Engines, eighteen hundred dollars; the Clerk and Commissary of the Corporation Yards, fifteen hundred dollars; Captains, each fourteen hundred and forty dollars; Lieutenants, each twelve hundred dollars; Engineers, each thirteen hundred and fifty dollars; Drivers, Stokers, Tillermen, Truckmen, Hosemen, and Stewards, for the first year of service, each nine hundred and sixty dollars; for the second year of service, each ten hundred and eighty dollars; and for the third year of service and thereafter each twelve hundred dollars; Hydrantmen, each ten hundred and eighty dollars; Superintendent of horses, twelve hundred dollars; Draymen, each nine hundred dollars; Hostlers, each seven hundred and twenty dollars; Watchmen, each nine hundred dollars; Pilots of Fire Boats, each twelve hundred dollars; Engineers of Fire Boats, each fifteen hundred dollars; Assistant Engineers of Fire Boats, each fourteen hundred and forty dollars; Firemen of Fire Boats, each nine hundred dollars.

CHAPTER IX.

DEPARTMENT OF ELECTRICITY.

DEP'T ELECTRICITY:

SECTION 1. There is hereby created a Department of Electricity, which shall have charge of the construction and maintenance of the Fire Alarm and Police Telegraph and

DEP'T ELECTRICITY:

Telephone Systems, and shall be under the control of a joint Commission composed of the Board of Fire Commissioners and the Board of Police Commissioners.

Electrician. Supervision. Salary.

SEC. 2. There shall be appointed by the Board of Fire Commissioners and Board of Police Commissioners, acting in joint session, a practical and skilled electrician, who shall be called the Chief of the Department of Electricity, and who shall have general supervision of the Department of Electricity. He shall receive an annual salary of twenty-four hundred dollars.

Assistants.

SEC. 3. The Joint Commission may appoint such assistants as may be necessary to keep the electric and telephone systems in working order; but of those assistants appointed, no operator or inspector shall receive more than twelve hundred dollars a year, and no repairer, lineman, battery-man or instrument-maker shall receive a salary of more than ten hundred and eighty dollars a year.

Salaries.

Jurisdiction.

SEC. 4. The Fire Department and the Police Department shall each have sole control over its own systems and wires.

Citizens may connect with system.

SEC. 5. Any citizen, firm or corporation may, for the purpose of police or fire protection, be connected with the Police or Fire Signal System, or Telephone or Telegraph System, upon making fair payment for the connection and use of the same. Such rates of payment shall be fixed by ordinance of the Supervisors; but no connection shall be made so as to interfere with the use of the main line.

Supervise electrical wires and appliances.

SEC. 6. The Department of Electricity is also charged with the duty of enforcing all the rules, regulations, orders and requirements made by ordinance of the Supervisors in regard to the inspection and supervision of electrical wires and appliances, and the currents for furnishing light, heat or power in and upon streets and buildings in the City and County.

ARTICLE X.

DEPARTMENT OF PUBLIC HEALTH.

HEALTH DEPARTMENT:

SECTION 1. There shall be a Department of Public Health under the management of a Board of Health. The Board shall consist of seven members, five of whom shall be appointed by the Mayor, and who shall be regularly certificated physicians of the City and County at the time of their appointment, and who must have been such for at least five years next preceding their appointment. The Chief of Police and the President of the Board of Public Works shall be members of the Board by virtue of their office.

Board of Health. Seven members. Five appointed by Mayor. Two ex-officio.

Board of Health.

The members of the Board shall serve without compensation. They shall elect one of their number President, and adopt such rules and regulations as may be necessary for the government of the Board.

Terms.

SEC. 2. The appointive members of the Board shall hold office for four years. Those first appointed under this Charter shall so classify themselves by lot that one of them shall go out of office at the end of one year, one at the end of two years, one at the end of three years, and two at the end of four years.

Powers and duties of Board.

SEC. 3. The Board shall have the management and control of the City and County Hospitals, Almshouses, Ambulance Service, Municipal Hospitals, Receiving Hospitals, and of all matters pertaining to the preservation, promotion and protection of the lives and health of the inhabitants of the City and County; and it may determine the nature and character of nuisances and provide for their abatement.

Public institutions.

Nuisances.

Sanitary supervision.

It shall have the sanitary supervision of the municipal institutions of the City and County, including jails, schoolhouses and all public buildings; of the disposition of the dead; of the disposition of garbage, offal and other offensive substances.

Expenditures.

Except as provided in Article II, Chapter III, of this Charter, it shall have exclusive control and disposition of all expenditures necessary in the institutions under its immediate control.

Enforce ordinances of Supervisors.

SEC. 4. The Board shall enforce all ordinances, rules and regulations which may be adopted by the Supervisors for the carrying out and enforcement of a good sanitary condition in the City and County; for the protection of the public health; for determining the nature and character of nuisances and for their abatement; and for securing the proper registration of births, deaths and other statistical information. It shall from time to time submit to the Supervisors a draft of such ordinances, rules and regulations as it may deem necessary to promote the objects mentioned in this section.

Recommendations to Supervisors.

Appointees.

Salaries.

Duties.

Government.

SEC. 5. The Board may appoint such officers, agents and employees as may be necessary for the proper and efficient carrying out and enforcement of the purposes and duties of the Board, and may fix their salaries and prescribe their duties. All appointments in the Department shall be made under the provisions of Article XIII of this Charter, and no person so appointed by the Board shall be removed without cause.

City Hospital Physician.

SEC. 6. The Board may appoint a Resident Physician of the City and County Hospital, who must be a regularly certificated physician and who must have been a resident of

the City and County for at least five years next preceding his appointment. He shall devote his time exclusively to the duties of his office.

Board of Health.

SEC. 7. The Board shall appoint for the City and County Hospital at least two visiting physicians and at least two visiting surgeons, who shall receive no compensation for their services, but who shall have the privilege of teaching students in their hospital wards. Any student who is actively engaged in the study of medicine shall have the benefit of clinical instruction in any of the hospital wards.

Physicians and surgeons for City Hospital

Inebriates.

SEC. 8. The Board may set aside one ward in the City and County Hospital for the treatment of confirmed inebriates.

Internes to City Hospital.

SEC. 9. The Board may appoint such undergraduates and other internes to the City and County Hospital as it may deem necessary. They shall be appointed after a competitive examination by the Board in any or all branches of medicine and surgery, and shall receive board and lodging free for their services. They shall be under the control and direction of the Resident Physician, who may remove any of them for neglect of duty, or for other good and sufficient cause, subject to an appeal to, and final decision by, said Board.

How appointed and controlled.

Salaries.

Restriction.

SEC. 10. The Board shall fix annually the salaries of all officers and employees of the Board. Such compensation shall not exceed salaries paid for similar services in private institutions of like character.

Limit to number of employees.

SEC. 11. The ratio of employees to inmates of any institution under the care of the Board shall not exceed that maintained by private institutions of like character.

ARTICLE XI.

DEPARTMENT OF ELECTIONS.

CHAPTER I.

BOARD OF ELECTION COMMISSIONERS.

ELECTIONS:

Five Commissioners. Appointed by Mayor.

Term.

Salary.

Qualifications.

SECTION 1. The conduct, management and control of the registration of voters, and of the holding of elections, and of all matters pertaining to elections in the City and County, shall be vested exclusively in and exercised by a Board of Election Commissioners, consisting of five members, who shall be appointed by the Mayor, and shall hold office for four years. Each of the Commissioners shall receive an annual salary of one thousand dollars. Each member of the Board must be an elector of the City and County at the time of his appointment and must have been

Commissioners. such for five years next preceding such time. Those first appointed must, immediately after their appointment, so classify themselves by lot, that one shall go out of office at the end of one year, one at the end of two years, one at the end of three years, and two at the end of four years.

Time of appointment. The Mayor shall not make any appointment upon the Board at any time before thirty days prior to the time when such appointee is to take office. Two of the five members first appointed shall be chosen from each of the

Political affiliations. two political parties casting in the City and County the highest vote for Governor or electors of President and Vice-President, as the case may be, at the last preceding general election. The fifth member shall be chosen from the political party casting the third highest such vote at such election, if there be such third party, and if not, then at the discretion of the Mayor. Upon the expiration of the term of office of any Commissioner, the appointee must be chosen from the same political party as the retiring Commissioner, consistently with the foregoing provisions as to

Equal representation. equal representation at all times of the two political parties casting the highest vote at the general election last preceding the appointment in question as prescribed in this section.

Not to take part in politics. SEC. 2. No member of the Board, nor Registrar, nor Deputy Registrar shall, during his term of office, be a member of any convention the purpose of which is to nominate candidates for office; nor be eligible to any other municipal office during the term for which he shall have been appointed, or for one year thereafter; nor act as officer of any election ~~or primary election~~; nor take part in any election except to vote and when acting as Election Commissioner, at which time he shall perform only such official duties as may be required of him by law and by this Charter.

Organization. SEC. 3. The Commissioners shall organize within ten days after their appointment by choosing one of their

President. number President. In case of failure to agree, he shall be

Registrar of Voters. selected by lot. He shall hold office for one year and until

Salary. his successor is chosen. The Board shall appoint a Registrar of Voters who shall receive an annual salary of twenty-

Term. four hundred dollars. The Registrar shall be the Secretary

Secretary. of the Board, and shall keep a record of its proceedings,

Duties. and shall execute all orders and enforce all rules and regulations adopted by the Board. The term of office of Registrar shall be four years.

Clerks. Salaries. SEC. 4. The Board may appoint such other clerical assistants as may be necessary at a salary not to exceed one hundred dollars a month each for the time actually employed. The Board shall, by resolution adopted by a

majority vote of all its members and entered upon its minutes, designate the service to be rendered by such assistants and the time for which they shall be employed. The time of employment of such assistants shall not be extended except by like resolution of the Board, and when a salary shall have been once fixed it shall not be increased. This section is subject to the provisions of Article XIII of this Charter. Commissioners. How governed.

SEC. 5. All provisions of the general laws of this State respecting elections shall be applicable to all elections held in the City and County of San Francisco. All provisions of the general laws of this State respecting the registration of voters shall be applicable to such registration in the City and County. The Board of Election Commissioners must provide for precinct registration so far as it can do so under the Constitution and laws of the State. General laws applicable. Precinct registration.

CHAPTER II.

MUNICIPAL ELECTIONS.

SECTION 1. There shall be held in the City and County of San Francisco on the first Tuesday after the first Monday of November in the year one thousand eight hundred and ninety-nine, and in every second year thereafter, an election to be known as the municipal election. Municipal. When held.

At said elections there shall be elected by the electors of the City and County the following officers: the Mayor, eighteen Supervisors, an Auditor, Treasurer, Assessor, Tax Collector, Recorder, City Attorney, District Attorney, Public Administrator, County Clerk, Sheriff, Coroner, and four Police Judges. Each of the above officers shall be elected for two years, except the Police Judges and the Assessor, each of whom shall be elected for four years. The Superintendent of Public Schools shall be elected for four years, and the Justices of the Peace for two years, at the same time that members of the Legislature are elected. Officers to be elected. Terms.

SEC. 2 All of the officers of the City and County of San Francisco who shall be elected in the year one thousand eight hundred and ninety-eight, under existing laws, except the Superintendent of Public Schools and the Justices of the Peace, shall hold office only until the hour of noon on the first Monday after the first day of January in the year nineteen hundred. Term of officers elected in 1898.

SEC. 3 The officers first elected as aforesaid under this Charter shall take office at noon on the first Monday after the first day of January following. When take office.

SEC. 4. The Mayor shall issue his proclamation and publish the same in the official newspaper for at least twenty Mayor's proclamation.

Mayor's proclamation.

days previous to the day in each year on which the municipal election is to be held under this Charter, calling upon the electors of the City and County to meet for the purpose of electing such officers as are provided for in this Charter, reciting in such proclamation the different officers to be elected at such election.

ARTICLE XII.

ACQUISITION OF PUBLIC UTILITIES.

PUBLIC UTILITIES:

Intention of the people.

It is hereby declared to be the purpose and intention of the people of the City and County that its public utilities shall be gradually acquired and ultimately owned by the City and County. To this end it is hereby ordained:

Plans and estimates of cost of construction.

SECTION 1. Within one year from the date upon which this Charter shall go into effect, and at least every two years thereafter until the object expressed in this provision shall have been fully attained, the Supervisors must procure through the City Engineer plans and estimates of the actual cost of the original construction and completion by the City and County of water works, gas works, electric light works, steam, water or electric power works, telephone lines, street railroads and such other public utilities as the Supervisors or the people by petition to the Board may designate.

Cost of water works.

In securing estimates of the original cost of the construction and completion of water works by the City and County, the Supervisors must procure and place on file plans and estimates of the cost of obtaining from all of the several available sources a sufficient and permanent supply of good, pure water for the City and County, in order that propositions for the acquisition, construction and completion thereof, and the incurring of municipal indebtedness therefor, may be submitted to the electors of the City and County as hereinafter set forth.

Sources of supply.

Supervisors to negotiate for acquisition.

SEC. 2. After such plans and estimates shall have been procured and filed, the Supervisors shall, at as early a date as they may deem for the best interests of the City and County, enter into negotiations for the permanent acquisition by the City and County, by original construction, condemnation or purchase of such or any of said public utilities as they may regard most important to the City and County to be first acquired, and to formulate and submit to the electors of the City and County, at a special election, propositions for the permanent acquisition and ownership therof.

Submit at special election.

Offers for the sale of utilities.

Before submitting propositions to the electors for the acquisition by original construction or condemnation, of pub-

lic utilities, the Supervisors must solicit and consider offers for the sale to the City and County of existing utilities in order that the electors shall have the benefit of acquiring the same at the lowest possible cost thereof.

Petition of electors.

SEC. 3. When a petition or petitions signed by electors of the City and County equal in number to fifteen per centum of all the votes cast at the last preceding general election shall be presented to the Supervisors, setting forth that the signers thereof favor the acquisition by the City and County of any public utility, and requesting the Board to prepare for submission to the electors of the City and County, as hereinafter provided, a proposition for the acquisition of such utility, it shall be the duty of the Board to immediately take such steps or to enter into such negotiations as will enable it to formulate such a proposition for submission to the electors as aforesaid. Such proposition shall be so formulated and completed within six months from the date of the filing of such petition. The Clerk of the Supervisors must, immediately upon the filing of the aforesaid petition or petitions, after examining and verifying the signatures thereto, transmit an authenticated copy thereof, without the signatures, to the Board of Election Commissioners, and another such copy to the Mayor, together with a certificate that the required number of signatures are appended to the original. The Mayor shall also have the right to formulate and submit to the electors a separate proposition from that formulated by the Supervisors for the acquisition of the utility named in said petition. At the next municipal election after the formulation of such propositions by the Supervisors and the Mayor, the Board of Election Commissioners shall submit to the electors the two alternative propositions. The proposition receiving a majority of the votes cast thereon shall be adopted; but in case the votes cast in favor of both propositions shall not exceed one-half the total number of votes cast thereon, both propositions shall be deemed rejected.

Duty of Supervisors.

Duty of Clerk.

Mayor may also submit proposition.

Two alternative propositions.

Nothing in this section shall be so construed as to prohibit the Supervisors from responding to the aforesaid petition of the electors requesting the acquisition of any public utility by proceeding at once, without the submission of propositions to the electors as aforesaid, to pass an ordinance declaring its determination to acquire the same as provided in section six of this Article and from proceeding thereafter to acquire the same in the manner hereinafter provided.

Supervisors may proceed at once.

SEC. 4. In case the cost of any public utility sought to be acquired under the provisions of this Article, can be

Acquisition through annual revenues.

Acquisition through annual revenues.

paid out of the annual revenues of the City and County, in addition to the other necessary expenditures thereof, it shall be lawful to acquire the same by a majority vote of the electors voting thereon at any special election. In submitting propositions to the electors for such acquisition the Supervisors shall specify in such proposition the cost of the public utility, the proposed method and manner of payment therefor, and submit to the electors the question whether the same shall be acquired upon such terms.

Majority to decide.

Acquisition through bond issues.

In case, however, the cost of such public utility sought to be acquired under the provisions of this Article shall so far exceed the annual revenues of the City and County, in addition to the other necessary expenditures thereof, as to render it necessary to incur a municipal bonded indebtedness for such purpose, then the Supervisors, in submitting propositions to the electors for the acquisition thereof, shall specify therein the amount of the proposed bonded indebtedness, the rate of interest thereon, and whether such bonded indebtedness shall be incurred. At least two-thirds of the electors voting thereon at such election shall be necessary to secure such acquisition and to warrant the issuance of municipal bonds therefor, as hereinafter set forth.

Two-thirds vote to decide.

Supervisors must call special election upon majority vote of electors.

SEC. 5. When the electors by vote shall have determined, as hereinbefore set forth, to acquire any public utility, such action on the part of the electors shall be equivalent to the passing of the ordinance by the Supervisors declaring such determination as set forth in section six of this Article, and the Supervisors shall proceed without delay to pass an ordinance calling a special election as required by section seven or this Article.

Ordinance of intention to be published two weeks.

SEC. 6. When the Supervisors shall determine that the public interest or necessity demands the acquisition, construction or completion of any public utility, the cost of which will be too great to be paid out of the ordinary annual income and revenue of the City and County, the Supervisors shall, by ordinance, specifically declare such determination, and shall publish the same for at least two weeks in the official newspaper.

Ordinance calling special election.

SEC. 7. At the next regular meeting of the Supervisors after the publication of the ordinance declaring said determination as above set forth, or at an adjourned meeting thereof, or not less than two weeks nor more than four weeks after the electors by vote shall have determined to acquire any public utility, the Supervisors by ordinance shall call a special election, at which shall be submitted to the electors the proposition of acquiring such public utility, and of incurring a debt for the acquisition of the same as set forth in such ordinance. No question other

Questions to be submitted.

than the acquisition of such utility and the incurring of the indebtedness therefor shall be submitted at such election.

Ordinance for special election shall recite.

SEC. 3. The ordinance calling such special election shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the proposed public utility, the necessity for the acquisition of the same, and that bonds of the City and County shall issue for the payment of the cost of the same as in such ordinance set forth (if the proposition be accepted by the electors), and shall fix a day on which such special election shall be held, the manner of holding such election, and the manner of voting for or against incurring such indebtedness. Such election shall be held as provided by law for holding elections in the City and County.

Publication. Ordinance 10 days.

SEC. 9. Such ordinance shall be published daily for at least ten days in the official newspaper. At the expiration of said ten days the Supervisors shall cause to be published daily for not less than two weeks in the official newspaper a notice of such special election. Such notice shall specify the purpose for which the indebtedness is to be incurred, the number and character of the bonds to be issued, the rate of interest to be paid, and the amount of tax levy to be made for the payment thereof.

Notice of election 14 days.

Limit to indebtedness.

SEC. 10. No indebtedness shall be incurred for the acquisition of any public utility under the provisions of this Article, which, together with the existing bonded indebtedness of the City and County, shall exceed at any one time fifteen per centum of the assessed value of all real and personal property in the City and County.

Serial Bonds.

SEC. 11. The bonds issued under the provisions of this Article shall be of the character of bonds known as serials, and shall be payable in lawful money of the United States. The Supervisors shall decide at the time of the issue of the bonds in what lawful money of the United States said bonds shall be payable. Not less than one-fortieth part of the whole amount of indebtedness shall be paid each and every year, on a day and at a place to be fixed by the Supervisors, together with the interest on all sums unpaid at such date.

Manner and time of payment.

Bonds exempt from taxation.

The bonds so issued shall be exempt from all taxation for municipal purposes, and shall be issued in denominations of not less than ten dollars nor greater than one thousand dollars, and preference in the sale and allotment thereof shall be given to subscribers for the smallest amounts and lowest denominations.

Denominations.

Where and when payable.

Said bonds must be payable on the day and at the place fixed therein, and with interest at the rate specified therein, but such interest shall not exceed four per centum

Bonds.

Issued as required.

How to be sold.

Proceeds.

Surplus.

per annum, payable annually, semi-annually or quarterly, as the Supervisors may determine. Such bonds, when issued, may be sold by the Supervisors from time to time as required, and in such quantities as they may determine, but the same must be sold for cash in lawful money of the United States as aforesaid to the highest bidder at not less than par, after having been advertised in the official newspaper. They shall be sold under sealed proposals, and the Supervisors shall have the right to to reject any or all bids made for the purchase thereof. The proceeds of such sales shall be placed in the treasury to the credit of the proper fund and shall be applied exclusively to the purposes and objects mentioned in the ordinance authorizing their issue until such objects are fully accomplished, after which, if any surplus remains, such surplus shall be transferred to the General Fund.

Signatures. Coupons.

SEC. 12. Such bonds shall be signed by the Mayor and the Treasurer, and shall be countersigned by the Auditor. The coupons shall be numbered consecutively and signed by the Treasurer, and the bonds and coupons shall be payable at the office of the Treasurer.

Annual tax for interest and sinking fund.

SEC. 13. At the time of levying the municipal tax and in the manner provided for such tax levy, the Supervisors shall levy and collect annually a tax sufficient to pay the annual interest on such bonds, and also the proper aliquot part of the aggregate amount of such indebtedness so incurred. Such taxes shall be in addition to all other taxes levied for municipal purposes, and shall be collected at the same time and in the same manner as other municipal taxes are collected.

Penalty for failure to enforce this Article.

SEC. 14. A neglect or refusal on the part of the Supervisors to comply with the provisions of this Article shall constitute cause for the removal from office of any member or members of the Board guilty of such neglect or refusal.

ARTICLE XIII.

CIVIL SERVICE.

CIVIL SERVICE:

3 Commissioners.

Qualifications.

Appointed by Mayor.

Terms.

SECTION 1. Immediately upon the taking effect of this Charter the Mayor shall appoint three persons, known by him to be devoted to the principles of Civil Service reform, who shall constitute the Civil Service Commission, one for one year, one for two years, and one for three years. Each year thereafter the Mayor shall in like manner appoint one person as the successor of the Commissioner whose term of office expires in that year, to serve as such Commissioner for three years. All appointments shall be so made that

not more than one Commissioner shall at any time belong to the same political party. Each of such Commissioners shall receive an annual salary of twelve hundred dollars. Commissioners.

SEC. 2. The Commissioners shall classify all the places of employment in or under the offices and departments of the City and County mentioned in section eleven of this Article, with reference to the examinations hereinafter provided for. The places so classified by the Commissioners shall constitute the classified civil service of the City and County, and no appointment to any such place shall be made except according to the rules hereinafter mentioned. Classified Service.

SEC. 3. The Commissioners shall make rules to carry out the purposes of this Article, and for examinations, appointments, promotions, and removals, and in accordance with its provisions may from time to time, make changes in the existing rules. All rules and all changes therein shall be forthwith printed for distribution by the Commissioners. Rules of Commissioners.

SEC. 4. All applicants for places in the classified civil service shall be subjected to examination, which shall be public, competitive and free. Such examinations shall be practical in their character, and shall relate to those matters only which will fairly test the relative capacity of the persons examined to discharge the duties of the positions to which they seek to be appointed, and shall include, when appropriate, tests of physical qualifications, health, and of manual or professional skill. Examination of applicants. How conducted. Tests.

SEC. 5. The selection of laborers shall be governed by priority of application only. No question in any examination shall relate to political or religious opinions or affiliations. The Commissioners shall control all examinations, and may, whenever an examination is to take place, designate a suitable number of persons, either in or not in the official service of the City and County, to be examiners; and, if in the official service, it shall be a part of their official duty, without extra compensation, to conduct such examinations as the Commissioners may direct, and to make return and report thereof to the Commissioners. The Commissioners may substitute any other person, whether in or not in such service, in the place of any one so selected, or may themselves act as such examiners. Selection of laborers. Examiners.

SEC. 6. Notice of the time, place and general scope of every examination shall be given by the Commissioners by publication for two weeks preceding such examination in the official newspaper, and such notice shall also be posted by the Commissioners in a conspicuous place in their office for two weeks before such examination. Such further notice of examination shall be given as they may prescribe. Notice of examinations.

SEC. 7. From the returns of the examiners, or from the ex-

Commissioners to prepare registers of each class of positions.

aminations made by the Commissioners, the Commissioners shall prepare a register for each grade or class of positions in the classified service of the City and County of the persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of the Commissioners, and who are otherwise eligible. Such persons shall take rank upon the register as candidates in the order of their relative excellence, as determined by examination, without reference to priority of time of examination.

Promotions, basis of.

SEC. 8. The Commissioners shall provide for promotion in the classified service on the basis of ascertained merit and seniority in service and standing upon examination, and shall provide, in all cases where practicable, that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank established by the Commissioners for each department as desire to submit themselves to such examinations. The Commissioners shall submit to the appointing power the names of not more than three applicants having the highest rating for each promotion. The method of examining, and the rules governing the same, and the method of certifying, shall be the same, as near as may be, as provided for applicants for original appointments.

Eligibility.

Rating.

Duty of heads of departments.

SEC. 9. The head of the department or office, in which a position classified under this Article is to be filled, shall notify the Commissioners of that fact, and the Commissioners shall then certify to the appointing officer the name and address of one or more candidates, not exceeding three, standing highest upon the register for the class or grade to which the position belongs; but laborers shall be taken according to their priority of application. In making such certification, sex shall be disregarded, except when some statute, the rules of the Commissioners, or the appointing power specifies sex.

Candidates highest on register.

Sex disregarded.

Appointments on probation.

SEC. 10. The appointing officer shall notify the Commissioners of each position to be filled separately, and shall fill such place by the appointment of one of the persons certified to him by the Commissioners therefor. Such appointment shall be on probation for a period to be fixed by the rules of the Commissioners; but such rules shall not fix such period at exceeding six months. The Commissioners may strike off names of candidates from the register after they have remained thereon more than two years. At or before the expiration of the period of probation, the head of the department or office in which a candidate is employed, may, by and with the consent of the Commissioners, discharge him upon assigning in writing his

Conditions of discharge.

reason therefor to the Commissioners. If he is not then discharged, his appointment shall be deemed complete. To prevent the stoppage of public business, or to meet extraordinary exigencies, the head of any department or office may, with the approval of the Commissioners, make temporary appointments, to remain in force not exceeding sixty days, and only until regular appointments, under the provisions of this Article, can be made. Commissioners. Temporary appointments.

SEC. 11. The provisions of this Article shall apply to the following offices and departments of the City and County: the County Clerk, the Assessor, the Tax Collector, the Sheriff, the Auditor, the Recorder, the Coroner, the Clerks and Stenographers of the Justices' and Police Courts, the Board of Public Works, the Police Department, the Fire Department, the Board of Election Commissioners, the Board of Health and all boards or departments controlling public utilities; but the following deputies, clerks and employees in said offices and departments shall be exempted therefrom: the Cashier of the County Clerk, the Chief Deputy and the Cashier of the Assessor, the Chief Deputy and the Cashier of the Tax Collector, the Under Sheriff and the Chief Bookkeeper of the Sheriff, the Deputy Auditor, the Chief Deputy of the Recorder, the Chief Deputy Coroner, the City Engineer, the Secretary and the Architect of the Board of Public Works, the Registrar of the Board of Election Commissioners, the Chief of Police, the Chief Engineer of the Fire Department, and all physicians appointed by or on the Board of Health. All officers, courts, boards and heads of departments vested in this Charter with the power to appoint deputies, clerks, stenographers or employees in any of the offices or departments of the City and County mentioned in this section shall make such appointments in conformity with the rules and provisions prescribed by this Article, and any appointment not so made shall be void. Departments governed by this article. Exemptions. Other appointees.

SEC. 12. No deputy, clerk or employee in the classified civil service of the City and County, who shall have been appointed under said rules, shall be removed or discharged except for cause, upon written charges and after an opportunity to be heard in his own defense. Such charges shall be investigated by or before the Civil Service Commission, or by or before some officer or board appointed by the Commissioners to conduct such investigation. The finding and decision of the Commissioners, or such investigating officer, or board, when approved by the Commissioners, shall be certified to the appointing officer or board, and shall be forthwith enforced by such officer. Nothing in this Article shall limit the power of any officer or board to Dismissals for cause only. Investigation of charges. Suspensions.

Commissioners. suspend a subordinate for a reasonable period, not exceeding thirty days.

Notice of appointments, promotions or changes. SEC. 13. Immediate notice in writing shall be given by the appointing power to the Commissioners of all appointments, permanent or temporary, made in such classified civil service, and of all transfers, promotions, resignations, suspensions or vacancies from any cause in such service, and of the date thereof; and a record of the same shall be kept by the Commissioners. When any place of employment is created or abolished, or the compensation attached thereto altered, the officer or board making such change shall immediately report in writing to the Commissioners.

Duties of Commissioners. SEC. 14. The Commissioners shall investigate the enforcement of the provisions of this Article, and of its rules, and the action of the examiners herein provided for, and the conduct and action of the appointees in the classified service in the City and County, and may inquire as to the nature, tenure and compensation of all places in the public service thereof.

Annual report of Commissioners. SEC. 15. The Commissioners shall, on or before the fifteenth day of January in each year, make to the Supervisors a report showing their acts, the rules in force, the practical effects thereof, and suggestions for the more effectual accomplishment of the purposes of this Article. The Mayor may require a report from the Commissioners at any time.

Chief Examiner. SEC. 16. The Commissioners shall employ a Chief Examiner who shall, under their direction, superintend any

Secretary. examination held in the City and County under this Article, and who shall perform such other duties as the Commission-

Duties. ers may prescribe. The Chief Examiner shall be Secretary of the Commission by virtue of his office. He shall keep

Salary. minutes of its proceedings, preserve all reports made to it, and keep a record of all examinations held under its direction. He shall receive an annual salary of twenty-four hundred dollars.

Offices and supplies. SEC. 17. The Supervisors shall furnish the Commission with suitable offices, office furniture, books, stationery, blanks, heat and light, and shall provide for the payment of such other expenses as may be necessarily incurred in carrying out the provisions of this Article.

No aid, hindrance, fraud or collusion permitted. SEC. 18. No person or officer shall by himself, or in cooperation with other persons, defeat, deceive or obstruct any person in respect to his or her right of examination; or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder, or aid in so doing; or make any false representations concerning the same, or concerning the person examined; or furnish to any person any special or secret information for

the purpose of either improving or injuring the prospects or chances of any person of being appointed, employed or promoted.

SEC. 19. The Commissioners shall certify to the Auditor all appointments to places of employment in the classified civil service, and all vacancies occurring therein, whether by dismissal, resignation or death, and all findings made or approved by the Commission under the provisions of section twelve of this Article. Certificate to Auditor of appointments and vacancies.

SEC. 20. The Commissioners shall have power to institute and prosecute legal proceedings for violations of any of the provisions of this Article. Penalty for violation.

ARTICLE XIV.

PARK COMMISSIONERS.

SECTION 1. The lands designated upon the map of the Outside Lands of the City and County, made pursuant to Order Number One Hundred, by the word "Park," extending from Stanyan street to the Pacific Ocean and known as Golden Gate Park; also the land fronting on Haight street, designated upon said map by the word "Park," and known as "Buena Vista Park"; also the lands designated upon said map by the word "Avenue," extending from Baker street westward until it crosses Stanyan street; also that certain highway bounded on the west by the Pacific Ocean, and designated upon said map, as "Great Highway"; also "Mountain Lake Park"; also "Seal Rocks," as ceded to the City and County of San Francisco by Act of Congress; and all the other parks and squares in the City and County, and all the grounds surrounding public buildings in the City and County, and all parks and squares and public pleasure grounds hereafter acquired by the City and County shall be under the exclusive control and management of a Board of Commissioners, who shall be known and designated as Park Commissioners. PUBLIC PARKS: Boundaries of lands. Board of Park Commissioners.

SEC. 2. The Commissioners shall be successors in office of the Park Commissioners holding office in the City and County at the time this Charter shall go into effect by virtue of appointment under any statute of this State. Successors in office.

SEC. 3. The Commissioners shall be five in number, one of whom must be an artist. They shall be appointed by the Mayor for a term of four years and shall receive no compensation for their services. They shall so classify themselves by lot that one of them shall go out of office at Five Commissioners. Appointed by Mayor. Term. No compensation.

the end of one year, one at the end of two years, one at the end of three years, and two at the end of four years.

Commissioners.

Organization.

President.

Secretary.

Rules.

Duties.

Meetings.

Quorum.

Contracts.

How governed.

Park ordinances.

Penalty for violation.

Commissioners to have full control of parks and squares.

SEC. 4. The Commissioners shall organize by electing one of their number President, and they may elect a Secretary who is not a member of the Board. The Board shall establish rules and regulations for its government and for the performance of its duties, and for the conduct of its officers and employees, and shall require adequate bonds from all of them, except laborers, for the faithful performance of their duties in such sums as may be fixed by it. Such bonds shall be approved by the Mayor and filed in the office of the Auditor. The person elected President shall hold his office for one year, or until his successor is elected. The Board must hold regular meetings at least once in two weeks, and as many special meetings as it may deem proper.

Three of the Commissioners shall constitute a quorum for the transaction of business. No contract shall be entered into authorizing the expenditure of money without the approval of four of the Commissioners. Every contract exceeding five hundred dollars in amount shall be open to public competition, unless the Board shall determine in any given case to have the work done by day's labor. All the provisions of the Article in this Charter on the Department of Public Works relating to contracts shall be applicable to all contract work ordered by the Commissioners.

SEC. 5. The Commissioners may adopt ordinances for the regulation, use and government of the aforesaid parks, squares, avenues and grounds not inconsistent with the laws of the State of California or with this Charter. Such ordinances shall, within five days after their passage, be published for ten days, Sundays excepted, in the official newspaper. Any person violating any of such ordinances shall be deemed guilty of a misdemeanor, and shall be punished therefor, on conviction, in any court of competent jurisdiction. None of such ordinances shall be valid unless it receives the vote of four members of the Board. No ordinance shall be passed at the same meeting at which it is introduced, or at any other than a regular meeting. Such ordinances shall take effect in not less than ten days after their adoption.

SEC. 6. The Commissoiners shall have the complete and exclusive control, management and direction of the aforesaid parks, squares, avenues and grounds, and the exclusive right to erect, and to superintend the erection of, buildings and structures thereon; and to that end may

employ and appoint superintendents, laborers, surveyors, engineers, and other officers and assistants, and prescribe and fix their duties, authority and compensation. They shall have the exclusive management and disbursement of all funds legally appropriated or received from any source for the support of said parks, squares, avenues and grounds. Commissioners. Appointees. Funds.

The Board may accept from donors suitable articles for the Museum and Art Gallery situate in the aforesaid Golden Gate Park and shall manage and control said Museum and Art Gallery. Museum.

Except as provided in section nine of this Chapter, nothing in this section shall be so construed as to authorize the Commissioners to lease any part of any of said parks, squares, avenues and grounds to any person, company or corporation for any purpose; or to permit any person, company or corporation to build or maintain any structure on any part of said parks, squares, avenues or grounds; but this shall not inhibit the Board from leasing, for a period not greater than one year, such buildings as may be constructed by itself for the use of the public to such person, company or corporation who shall undertake to serve such use; and in every such lease the Board shall reserve the right to enter at all times into and upon the premises so leased, and shall make the condition that the buildings so leased shall be used for park-pleasure purposes only. No such building shall be constructed by the Board except it be within the objects and purposes for which said parks, squares, avenues and grounds were dedicated to the public. No lease of parks. Exception.

Nothing, however, in this section contained shall inhibit the Board from permitting the use of a limited portion of any one of the aforesaid parks or squares for the purpose of conducting thereon a Fair or Exposition, under such conditions and restrictions as may be necessary to conserve the integrity of said parks and squares, and for a period of not greater than six months, and so as not to interfere with the use of any of the same by the public for park-pleasure purposes; but no such permission shall ever be granted except such Fair or Exposition be of National, State or Municipal importance. None of the moneys in, or apportioned to, the Park Fund shall be used for the purposes of any such Fair or Exposition. Expositions in the park. Conditions.

SEC. 7. The Chief of Police shall, on the request of the Commissioners, detail such members of the Police Force of the City and County for services in said parks, squares, avenues and grounds as may be necessary for the enforcement of the law and for the proper observance of the Park Police.

Park Police.

ordinances of the Commissioners; and the Commissioners may provide a place of detention within either of said public places in which the persons arrested for violating any of the ordinances of the Board may be detained temporarily.

Donations, legacies and bequests.

SEC. 8. The Board may receive donations from persons and corporations and legacies and bequests for the improvement of said parks, squares, avenues and grounds. All moneys that may be derived from such donations, legacies and bequests, shall, unless otherwise provided by the terms of such gift, legacy or bequest, be deposited in the treasury of the City and County to the credit of the Park Fund. The same may be withdrawn therefrom and paid out in the same manner as is provided for the payment of moneys legally appropriated for the support and improvement of such parks, squares, avenues and grounds. If the moneys derived from such gifts, bequests or legacies, shall at any time exceed in amount the sum necessary for immediate expenditures on said parks, squares, avenues and grounds, the Board shall invest all or a part of the same in interest-bearing bonds of the United States, or of the State of California or of any municipality thereof.

Disposition.

State Exposition building.

SEC. 9. The Board may lease to the State of California, on such terms as it may deem proper, a plot of ground in Golden Gate Park not more than seven hundred feet square, on which said State may erect and maintain an exposition building, in which may be exhibited the products of the several counties of the State and in which the collection made by the State Mining Bureau may be maintained and exhibited; but said lease shall be upon the express condition that no fee shall ever be charged for admission to said building.

Condition.

Works of Art must be approved by Commissioners.

SEC. 10. Hereafter no work of art shall become the property of the City and County by purchase, gift or otherwise, unless such work of art or design of the same, together with a statement of the proposed location of such work of art, shall first have been submitted to and approved by the Commissioners; nor shall such work of art, until so approved, be erected or placed in or upon, or allowed to extend over or upon, any street, avenue, square, park, municipal building or other public place belonging to the City and County. The Board may require a complete model of the proposed work of art to be submitted. The term "work of art" as used in this section shall apply to and include all paintings, mural decorations, stained glass, statues, basreliefs or other sculptures, monuments, fountains, arches or other structures of a permanent character, intended for ornament or commemoration. No existing work of art in

Definition of "Work of Art."

the possession of the City and County shall be removed, relocated or altered in any way without the similar approval of the Board. When so requested by the Mayor, or the Supervisors, or the Board of Public Works, or the Board of Education, the Board of Park Commissioners shall act in a similar capacity, with similar powers, in respect of the designs of municipal buildings, bridges, approaches, gates, fences, lamps or other structures erected or to be erected upon land belonging to the City and County, and in respect of the lines, grades and plotting of public ways and grounds, and in respect of arches, bridges, structures and approaches which are the property of any corporation or private individual and which shall extend over or upon any street, avenue, highway, park or public place belonging to the City and County. This section shall not be so construed as to impair the power of the Park Commissioners to refuse their consent to the erection or acceptance of public monuments or memorials or other works of art of any sort within any park, square or public place in the City and County. Commissioners to pass upon public structures. Monuments.

SEC. 11. The Supervisors shall provide all necessary money for the maintenance, preservation and improvement of said parks, squares, avenues and grounds, and to that end shall annually levy a tax on all property in the City and County not exempt from taxation, which shall not be less than five cents nor more than seven cents upon each one hundred dollars assessed valuation of said property. Tax for park purposes. Limits.

ARTICLE XV.

BONDS OF OFFICIALS.

OFFICIAL BONDS:

SECTION 1. Officers of the City and County, before entering upon the discharge of their official duties, shall respectively give and execute to the City and County such official bonds as may be required by law, ordinance, or this Charter. When the amount of any bond is not fixed by law or by this Charter, it shall be fixed by an ordinance of the Supervisors. All bonds, excepting those of the Mayor and Auditor, must be approved by the Mayor and Auditor; the bond of the Mayor must be approved by the Auditor, and the bond of the Auditor must be approved by the Mayor. The approval of every official bond must be indorsed thereon, and signed by the officers approving the same, after examination of the sureties, as hereinafter provided. Upon the approval of a bond it must be recorded, at the expense of the party giving the bond, in the office of the Recorder, in a book kept for that purpose, entitled Record of Official Bonds. The bond Officers to give bonds. Approval by Mayor and Auditor. Recorded.

of the Auditor shall be filed and kept in the office of the County Clerk. The bonds of all other officers shall be filed and kept in the office of the Auditor.

SEC. 2. The following officers shall respectively execute official bonds to the City and County, with sureties, in the following sums:

Amount of bonds of each official.

Mayor, twenty-five thousand dollars; Auditor, fifty thousand dollars; Treasurer, one hundred thousand dollars; Tax Collector, one hundred thousand dollars; Assessor, fifty thousand dollars; County Clerk, fifty thousand dollars; Recorder, ten thousand dollars; Sheriff, fifty thousand dollars; Coroner, ten thousand dollars; City Attorney, ten thousand dollars; District Attorney, ten thousand dollars; Public Administrator, fifty thousand dollars; Superintendent of Public Schools, five thousand dollars; each Commissioner of Public Works, twenty-five thousand dollars; Clerk of the Supervisors, ten thousand dollars; each Supervisor, five thousand dollars; each School Director, five thousand dollars; each Fire Commissioner, ten thousand dollars; each Police Commissioner, five thousand dollars; each Election Commissioner, ten thousand dollars; Property Clerk of Police Department, ten thousand dollars; the Warrant and Bond Clerk, ten thousand dollars.

Bonds must contain certain conditions.

SEC. 3. City and County officers shall not be accepted as surety for each other on official bonds. Every bond shall contain a condition that the principal will faithfully perform all official duties then, or that may thereafter be, imposed upon or required of him by law, ordinance, or this Charter, and that at the expiration of his term of office he will surrender to his successor all property, books, papers, and documents that may come into his possession as such officer. Such bond must also be executed by two or more sureties who shall each justify in the amount required for said bond; but when the amount of the bond is more than five thousand dollars, the sureties may become severally liable for portions of not less than twenty-five hundred dollars. When there are more than two sureties, such sureties may justify in an amount which in the aggregate shall equal double the amount of said bond.

Sureties.

Qualifications of sureties.

SEC. 4. Every surety upon an official bond, other than lawfully authorized surety companies, must make an affidavit, which shall be endorsed upon such bond, that he is a resident and freeholder in the City and County, and worth in property situated in the City and County, exclusive of incumbrances thereon, double the amount of his undertaking over and above all sums for which he is already liable or in any manner bound, whether as principal, indorser or surety, and whether such prior obligation or liability be

conditional or absolute, liquidated, or unliquidated, due or to become due. All persons offered as sureties on official bonds may be examined on oath as to their qualifications by the officers whose duty it is to approve the bond.

Additional bond.

SEC. 5. When under any of the provisions of this Charter, or of any ordinance, an official bond shall be required from an officer, the Supervisors may, by resolution, require an additional bond, whenever, in the opinion of such board, such bond or any surety thereto becomes insufficient; and such additional bond shall also be required when a surety to a bond shall die or cease to be a resident of the City and County.

Liability.

SEC. 6. Every officer shall be liable on his official bond for the acts and omissions of his deputies, assistants, clerks, and employees, appointed by him, and of any and each of them, and every official bond shall contain such a condition.

Bonds of deputies and employees.

SEC. 7. Every board, department or officer may require of their deputies, clerks or employees bonds of indemnity with sufficient sureties for the faithful performance of their duties.

ARTICLE XVI.

MISCELLANEOUS.

MISCELLANEOUS:

SECTION 1. The words "City and County" wherever they occur in this Charter mean the City and County of San Francisco; and every department, board and officer, wherever either one of them is mentioned in this Charter, means a department, board or officer, as the case may be, of the City and County of San Francisco.

"City and County" defined.

Qualifications of all deputies and employees.

SEC. 2. All deputies, clerks, assistants and other employees of the City and County must be citizens of the United States, and must, during their respective terms of office or employment, actually reside in the City and County and must have so resided for one year next preceding their appointment.

No absence from the State.

Exception.

Penalty.

SEC. 3. No officer of the City and County, except members of the Police Department acting under orders of the Chief thereof, shall absent himself from the State; but he may, once only during his term of office, so absent himself for a period of not more than sixty days upon the written permission of the Mayor so to do. Violation of this section shall be sufficient cause for the removal of any officer violating the same.

No one shall hold two salaried offices.

SEC. 4. Any person holding a salaried office under the City and County, whether by election or appointment, who

No one to hold two salaried offices.

shall, during his term of office, hold or retain any other salaried office under the government of the United States, or of this State, or who shall hold any other salaried office connected with the government of the City and County, or who shall become a member of the Legislature, shall be deemed to have thereby vacated the office held by him under the City and County.

Limit of subordinates and supplies.

SEC. 5. No department, board or officer shall, under any circumstances, employ more subordinates than are specifically provided for in this Charter or buy supplies beyond the sum furnished therefor by the Supervisors.

Shall not be interested in contracts or supplies or property of the city.

SEC. 6. No Supervisor and no officer or employee of the City and County, shall be or become, directly or indirectly, interested in, or in the performance of, any contract, work, or business, or in the sale of any article, the expense, price or consideration of which is payable from the treasury; or in the purchase or lease of any real estate or other property belonging to, or taken by, the City and County, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of the City and County. If any person in this section designated shall, during the time for which he was elected or appointed, acquire an interest in any contract with, or work done for, the City and County, or any department or officer thereof, or in any franchise, right or privilege granted by the City and County, unless the same shall be devolved upon him by law, he shall forfeit his office, and be forever after debarred and disqualified from being elected, appointed or employed in the service of the City and County; and all such contracts shall be void, and shall not be enforceable against the City and County.

Penalty.

Promises or valuable consideration prohibited.

SEC. 7. No officer or employee of the City and County shall give or promise to give to any other person, any portion of his compensation, or any money, or valuable thing, in consideration of having been, or of being, nominated, appointed, voted for, or elected to, any office or employment; and if any such promise or gift be made, the person making such gift or promise shall forfeit his office and employment, and be forever debarred and disqualified from being elected, appointed or employed in the service of the City and County.

Penalty.

Bribing prohibited.

SEC. 8. Any officer of the City and County who shall, while in office, accept any donation or gratuity in money, or other valuable thing, either directly or indirectly, from any subordinate or employee, or from any candidate or applicant for any position as employee or subordinate under him, shall forfeit his office, and be forever debarred and disqualified from holding any position in the service of the City and County.

Penalty.

Annual reports.

SEC. 9. Every department, board and commission provided for in this Charter, except the Supervisors, shall render to the Mayor within one month after the end of each fiscal year a full report of all the operations of such department or board or commission for such year.

Vacancies defined.

SEC. 10. An office becomes vacant when the incumbent thereof dies, resigns, is adjudged insane, convicted of felony, or of an offense involving a violation of his official duties, or is removed from office, or ceases to be a resident of the City and County, or neglects to qualify within the time prescribed by law, or within twenty days after his election or appointment, or shall have been absent from the State without leave for more than sixty consecutive days.

Liability for illegal payments.

SEC. 11. Every officer who shall approve, allow or pay any demand on the treasury not authorized by law, ordinance or this Charter, shall be liable to the City and County individually and on his official bond for the amount of the demand so illegally approved, allowed or paid.

Custody of records.

SEC. 12. The departments, boards, commissioners and officers provided for in this Charter shall be entitled to the possession of all papers, books, documents, maps, plats, records and archives in the possession or under the control of those respectively who are superceded in office under this Charter by such departments, boards, commissioners and officers.

Books and records open to inspection.

SEC. 13. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours. Certified copies or extracts from said books and records shall be given by the officer having the same in custody to any person demanding the same, and paying or tendering ten cents a folio of one hundred words for such copies or extracts; but the records of the Police Department shall not be subject to such inspection except permission be given by the Police Commissioners or by the Chief of Police.

Certified copies.

Exception.

Office hours.

Treasurer 9 A. M. to 4 P. M.

Other offices 8:30 A. M. to 5 P. M.

Tax Collector.

SEC. 14. The Treasurer shall keep his office open for business every day, except legal holidays, from nine o'clock in the forenoon until four o'clock in the afternoon. Except where otherwise provided for by law, or by this Charter, all other public offices shall be kept open for business every day, except legal holidays, from half-past eight o'clock in the forenoon until five o'clock in the afternoon; and, in addition thereto, from the first day of November until the last Monday of December in each year the office of the Tax Collector shall be kept open until nine o'clock in the evening.

Disqualifications

SEC. 15. No person shall be eligible to or hold any office, or be clerk or deputy in any office or department, who has been found guilty of malfeasance in office, bribery or

other infamous crime or who in any capacity has embezzled public funds.

Fiscal year July 1st to June 30th.

SEC. 16. The fiscal year mentioned in this Charter shall commence on the first day of July and end on the thirtieth day of June following.

All moneys to be paid to Treasurer.

Penalty.

SEC. 17. All moneys, assessments and taxes belonging to or collected for the use of the City and County, coming into the hands of any officer of the City and County, shall immediately be deposited with the Treasurer for the benefit of the funds to which they respectively belong. If such officer for twenty-four hours after receiving the same shall delay or neglect to make such deposit, he shall be deemed guilty of misconduct in office and may be removed.

Suspensions and removals.

SEC. 18. Any elected officer, except Supervisor, may be suspended by the Mayor and removed by the Supervisors for cause; and any appointed officer may be removed by the Mayor for cause. The Mayor shall appoint some person to discharge the duties of the office during the period of such suspension.

Procedure after suspension of elected officer.

SEC. 19. When the Mayor shall suspend any elected officer he shall immediately notify the Supervisors of such suspension and the cause therefor. If the Board is not in session he shall immediately call a session of the same in such manner as shall be provided by ordinance. The Mayor shall present written charges against such suspended officer to the Board and furnish a copy of the same to said officer, who shall have the right to appear with counsel before the Board in his defense. If by an affirmative vote of not less than fourteen members of the Board of Supervisors, taken by ayes and noes and entered on its record, the action of the Mayor is approved, then the suspended officer shall thereby be romoved from office; but if the action of the Mayor is not so approved such suspended officer shall be immediately reinstated.

Removal of appointed officer by the Mayor.

SEC. 20. When the Mayor shall remove an appointed officer from office, he shall immediately notify the Board of Supervisors of such removal, and furnish it a statement of the cause therefor, which statement shall be entered in the record of its proceedings.

Removal of appointed deputies or employees.

SEC. 21. Unless otherwise provided by law or by this Charter, any officer, board or department authorized to appoint any deputy, clerk, assistant or employee, shall have the right to remove any person so appointed.

Appointments to be in writing in duplicate.

SEC. 22. All appointments of officers, deputies and clerks to be made under any provision of this Charter must be made in writing and in duplicate, authenticated by the person or persons, board or officer making the same. One of such duplicates must be filed with the Secretary of the Civil Service Commission and the other with the Auditor.

MISCELLANEOUS:

Classification by lot to be recorded and filed.

SEC. 23. Wherever it is provided in this Charter that the members of any board, department or commission shall so classify themselves by lot that their terms of office shall expire at different times, such members shall, on the day of making such classification, cause the same to be entered in the records of their proceedings, and a copy thereof, certified by the Secretary thereof and signed by all of said members, shall be filed with the Clerk of the Supervisors. In every case such classification must be made at the first meeting of the Board.

Powers of officers and boards to administer oaths, issue subpoenas and hear testimony.

SEC. 24. Every officer and every member of any board or committee provided for in this Charter shall have the power to administer oaths and affirmations, and every such board, officer or committee shall have power to issue subpoenas, to compel by subpoena the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before any such board, officer or committee. If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper or document, as required by such subpoena, or shall refuse to testify before any such board, officer or committee, or to answer any question which any officer or a majority of such board or committee shall decide to be proper or pertinent, he shall be deemed in contempt, and any such board, officer or committee shall have power to take the proceedings in that behalf provided by the general laws of this State. The Chief of Police must, on request of such officer or of any member of any such board or committee, detail a Police Officer or Officers to serve such subpoenas.

Contempt.

Service.

Official newspaper.

SEC. 25. All publications provided for in this Charter must be made in the official newspaper only.

Franchises not in use forfeited.

SEC. 26. All franchises and privileges heretofore granted by the City and County which are not in actual use or enjoyment, or which the grantees thereof have not in good faith commenced to exercise, are hereby declared forfeited and of no validity unless said grantees or their assigns shall, within six months after this Charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

Ordinances repealed.

SEC. 27. All ordinances or resolutions for the improvement of any street for which no contract shall have been entered into at the time this Charter takes effect are hereby repealed.

Ordinances continued.

SEC. 28. All ordinances, orders and resolutions of the Supervisors of the City and County in force at the time this Charter takes effect, and not inconsistent therewith, shall continue in force until amended or repealed.

SEC. 29. When the Supervisors shall determine that the

Issuance of bonds for public buildings or improvements.

public interest requires the construction or acquisition of any permanent municipal building or improvement, the cost of which in addition to the other expenses of the City and County will exceed the income and revenue provided for the City and County for any one year, they must by ordinance passed by the affirmative vote of not less than fourteen members of the Board, submit a proposition to incur a bonded indebtedness for such purpose to the electors of the City and County at a special election to be held for that purpose only. All the provisions of this Charter providing for the acquisition of public utilities, so far as the same are applicable, shall apply to the manner of submitting such proposition to the electors, to the limitations of said bonded indebtedness, to the issuance and character of the same, and to the time when and the kind of money in which said bonded indebtedness shall be payable. The proceeds of the sales of such bonds shall be paid into the treasury to the credit of the Public Building Fund.

Procedure and provisions.

Public Building Fund.

Duties of subordinates.

SEC. 30. Every assistant deputy or other subordinate of any board, department or officer, shall discharge any of the duties pertaining to such department, board or office as his chief may assign him to.

Ineligibility to office.

SEC. 31. No member of the Board of Police Commissioners and no member of the Board of Fire Commissioners shall be eligible to any elective office while he is a member of such Board, or for one year thereafter.

Members of the Police or Fire Departments not to participate in politics or conventions.

SEC. 32. No member of the Board of Police Commissioners and no member of the Board of Fire Commissioners, and no officer, subordinate or employee of the Police Department or of the Fire Department, shall be a member of any partisan convention the purpose of which is to nominate candidates for office; nor shall either of them directly or indirectly electioneer, by soliciting votes or otherwise, for or against any candidate for office at any election, or for or against any candidate for nomination before any political convention, or for or against any candidate for delegate to such convention at any primary election; nor shall either of them be a member of any committee, club, or organization the purpose of which is to nominate or endorse candidates for office at any election; nor in any way attempt to influence or control such committee, club or organization, while nominating or endorsing said candidates; nor take any part in the control, management or distribution of the political patronage of any public officer; nor shall any member of either of said Boards, or any officer, subordinate or employee of either of said departments directly or indirectly attempt to control or in any manner influence the action of any officer, subordinate or employee of either of said departments at any general, special or primary election. And no officer,

MISCELLANEOUS:

subordinate or employee of either of said departments shall levy, collect or pay any amount of money as an assessment or contribution for political purposes. Any person violating any of the provisions of this section shall be removed forthwith from his office or employment. If the violation be by a member of either of said Boards the Mayor must remove such member; and if by an officer, employee or subordinate of either of said departments, then the Board whose officer, employee or subordinate has been guilty of such violation, must remove such officer, employee or subordinate; and if such Board fail or refuse to make such removal, then the Mayor must remove all members of the Board who have so failed or refused.

Political assessments prohibited.

Penalties.

SEC. 33. No deputy, clerk or other employee of the City and County shall be paid for a greater time than that covered by his actual service.

Overtime.

SEC. 34. The salaries provided in this Charter shall be in full compensation for all services rendered, and every officer shall pay all moneys coming into his hands as such officer, no matter from what source derived or received, into the treasury of the City and County within twenty-four hours after receipt of the same.

Salaries full compensation.

SEC. 35. When any officer, board or department shall require additional deputies, clerks or employees, application shall be made to the Mayor therefor, and upon such application the Mayor shall make investigation as to the necessity for such additional assistance; and if he find the same necessary he may recommend to the Supervisors to authorize the appointment of such additional deputies, clerks or employees; and thereupon the Supervisors, by an affirmative vote of not less than fourteen members, may authorize such appointments, and provide for the compensation of such appointees, subject to the limitations contained in this Charter, and subject to the provisions of Article XIII thereof.

Additional clerks or employees.

SEC. 36. At any time between the first day of December, in the year one thousand eight hundred and ninety-nine, and the first day of January, in the year nineteen hundred, the person who, at the election held under this Charter in the month of November next preceding, has been elected the Mayor of the City and County, shall make all the appointments provided by this Charter to be made by him, and all the persons so appointed shall thereupon qualify as in this Charter provided, and shall take office at the hour of noon on the first Monday after the first day of January in the year nineteen hundred, and all boards, commissions and officers of the City and County holding by appointment under existing laws shall hold office no longer than said last aforesaid time.

First appointments by Mayor.

Beginning and expiration of terms of office.

Balances in the several funds to be transferred to their successive funds under the Charter.

SEC. 37. The balance remaining in the School Fund at the time this Charter takes effect shall forthwith be transferred to the Common School Fund created by this Charter. The balance remaining in the Library Fund at the time this Charter takes effect shall forthwith be transferred to the Library Fund created by this Charter. The balance remaining in the Park Improvement Fund at the time this Charter takes effect shall forthwith be transferred to the Park Fund created by this Charter. The balance remaining in the Unapportioned Fee Fund at the time this Charter takes effect shall forthwith be transferred to the Unapportioned Fee Fund created by this Charter. The balance remaining in the Police Relief and Pension Fund at the time this Charter takes effect shall forthwith be transferred to the Police Relief and Pension Fund created by this Charter. The balance remaining in the Surplus Fund at the time this Charter takes effect shall forthwith be transferred to the Surplus Fund created by this Charter. The balance remaining in the Special Deposit Fund at the time this Charter takes effect shall forthwith be transferred to the Special Deposit Fund created by this Charter. The balance remaining in the General Fund at the time this Charter takes effect, the balance remaining in the Street Light Fund at the time this Charter takes effect, the balance remaining in the Street Department Fund at the time this Charter takes effect, the balance remaining in the Police Contingent Fund at the time this Charter takes effect, the balance remaining in the Pound Fee Fund at the time this Charter takes effect, and the balance remaining in the Special Fee Fund at the time this Charter takes effect, shall each and every of them be forthwith transferred to the General Fund created by this Charter. Out of the said General Fund shall be paid, as in this section hereinafter provided, all the expenses of the various departments of the City and County, except such expenses as are by this Charter to be paid out of the Funds specifically provided for the payment of such expenses. For the six months ending on the thirtieth day of June, in the year nineteen hundred, each and every of said departments shall expend the moneys set apart to each of them by the Board of Supervisors of the existing municipality. So much of said moneys set apart by said Board of Supervisors to the Superintendent of Public Streets, Highways and Squares for the fiscal year ending on said thirtieth day of June, in the year nineteen hundred, as shall remain unexpended at the time this Charter takes effect, shall be expended during said six months by the Board of Public Works in the operations of the department committed to its charge. All the expenses of the City and County which

General Fund.

First six months under Charter.

Special provision for payments from General Fund.

are not to be paid out of specific funds shall be paid during said six months out of the General Fund. Should the moneys set apart by the Board of Supervisors of the existing municipality to any department of the City and County become or be exhausted at any time during said six months, or should any department created by this Charter have no money specifically provided for it during said six months, then in each such case the expenses thereof shall be paid out of the General Fund, notwithstanding anything contained in sections six and seven of Chapter I of Article III of this Charter. Such pensions as may accrue to firemen under Article IX of this Charter during said six months shall be paid out of the General Fund. The existing municipality mentioned in this section is the existing municipality of the City and County of San Francisco, and the several funds which are to be transferred as in this section provided are funds of said existing municipality. All the funds of said existing municipality not mentioned in this section, and which are authorized by law, shall be continued in the treasury until the necessity for their continuance ceases.

"Existing municipality" defined.

Balances of unnecessary funds.

SEC. 38. When the necessity for maintaining any Fund of the City and County in existence at the time this Charter takes effect has ceased to exist, and a balance remains in such Fund, the Supervisors shall so declare by ordinance, and upon such declaration such balance shall be forthwith transferred to the General Fund.

SCHEDULE.

Publication of Charter.

This Charter shall be published for twenty days in The San Francisco Call and in the Daily Report, daily newspapers of general circulation in the City and County of San Francisco, and after such publication, viz.: on Thursday, the twenty-sixth day of May, in the year one thousand eight hundred and ninety-eight, it shall be submitted to the qualified electors of said City and County of San Francisco, at a special election which shall be held on that day, for the sole purpose of voting upon the adoption of the same; and if a majority of the qualified electors of said City and County voting at said election shall ratify the same it shall be submitted to the Legislature of the State of California for its approval or rejection. If the Legislature shall approve the same, it shall take effect and be in force, except as hereinafter otherwise provided, on and after the hour of noon on the first Monday after the first day of January in the year nineteen hundred, and shall thereupon become the Charter and organic law of the City and County of San Francisco, and shall supercede the existing Charter of said City and County, and all amendments thereof, and all laws inconsistent with this Charter.

Ratification at special election.

Approval by the Legislature.

When in effect.

Form of ballots.

The form of ballots at said election shall be as follows:

FOR THE NEW CHARTER, YES.
FOR THE NEW CHARTER, NO.

Election of first officers.

Procedure.

For the sole purposes of the election of the officers directed in this Charter to be elected by the people, this Charter shall take effect on and after its approval by the Legislature, and the election of such officers shall be managed, conducted and controlled by the Board of Election Commissioners in and for said City and County in office at the time of such election.

Appointments by Mayor.

When in effect.

And for the sole other purpose of the Mayor elected under this Charter making the appointments provided in this Charter to be made by him, and of the qualification of the persons so appointed, this Charter shall take effect on the first day of December, in the year one thousand eight hundred and ninety-nine.

Proclamation of Freeholders.

BE IT KNOWN, That the City and County of San Francisco, containing a population of more than two hundred thousand inhabitants, on the twenty-seventh day of December, in the year one thousand eight hundred and ninety-seven, and under and in accordance with the provisions of Section 8, of Article XI, of the Constitution of this State, did elect

the undersigned a Board of Fifteen Freeholders, to prepare and propose a Charter for said City and County; and we, the members of said Board, in pursuance of such provisions of the Constitution, and within a period of ninety days after such election, have prepared and do propose the foregoing, signed in duplicate, as and for the Charter for said City and County of San Francisco.

IN WITNESS WHEREOF, we have hereunto set our hands in duplicate, this twenty-fifth day of March, in the year one thousand eight hundred and ninety-eight. Signatures of Board of Freeholders.

JOSEPH BRITTON, *President*,
JEROME A. ANDERSON,
JAMES BUTLER,
H. N. CLEMENT,
A. COMTE, JR.,
ALFRED CRIDGE,
L. R. ELLERT,
ISIDOR GUTTE,
P. H. McCARTHY,
JOHN NIGHTINGALE, JR.,
JOHN C. NOBMANN,
JOSEPH O'CONNOR,
LIPPMANN SACHS,
EDWARD R. TAYLOR,
A. W. THOMPSON.

Attest: J. RICH'D FREUD,
Secretary.

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